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Senate

(Legislative day of Wednesday, July 9, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Dr. Patricia Bryant Harris from Marshalltown United Methodist Church, Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us pray.

Our most gracious God, You, who are the creator of all humankind, You, who understand all the complexities that we encounter in our everyday lives, You, who understand the challenges faced by the women and the men in this Chamber as they care for Your people throughout this Nation and around the world—God, hear our prayer on this morning.

If it is wisdom that is needed, give the wisdom of Solomon. Where there may be lack of patience, give Senators the ability to tolerate with a heart of compassion. Should there be disagreement, send Your Holy Spirit with an attitude of peace. And, above all things, may the result of all the works within this place free Your people, free many nations from hunger, from grief, from pain.

May all the works of justice and love bring glory to Your Holy Name. This is our prayer in the Name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

THE GUEST CHAPLAIN

Mr. CARPER. Mr. President, Senator BIDEN and I are delighted to welcome to the Senate today the Rev. Dr. Patricia Bryant Harris, who pastors at a church not far from where Senator BIDEN and I live in northern Delaware.

In her prayer this morning, she called on God to grant us wisdom. It is not infrequently, when our Senators meet with our own Senate Chaplain, Barry Black, that he, too, prays for us for wisdom and encourages us to ask God for wisdom as we deliberate the issues that are before us. As Senator BIDEN and the Presiding Officer know, the issues before us this week have been difficult and we needed all the wisdom we could garner.

I have been privileged to know Reverend Harris for close to two decades. She has had a career that included remarkable accomplishments in the private sector and then, somewhere in the 1990s, she decided she felt a calling from God to enter the ministry. She has done that as a Methodist pastor in our State and a series of assignments—actually an assignment that led her down to Salisbury, MD, and the Delmarva Peninsula, where she oversaw a great number of churches.

As we could tell from her prayer, she is a loving, giving, caring, patient person. She is one who has reminded me, and I think reminds her congregants in her own home church in Marshalltown, that God wants us to do two things—if nothing else, to do two things: To love the Lord thy God with all thy heart, soul, and mind and to love thy neighbor as thyself.

Barry Black, our Chaplain, often-times reminds us in the Senate—as Senators we ask how do we use our faith to help inform what we do as Senators, and he always takes us back to that second great commandment, and so does Reverend Harris, that we have an obligation to love our neighbor as ourselves.

She also reminds me and reminds those who worship at her church that we have an obligation to those who are hungry—when they are hungry we have an obligation to feed them; when they are naked we have an obligation to clothe them; when they are thirsty we have an obligation to give them to drink; when they are sick and in prison we have an obligation, regardless of what our faith is, to visit them.

Those are wonderful lessons, not just for the people in her congregations over the years; not just for those who worship in our State but wonderful lessons for us in the Senate.

It is with great pride that Senator BIDEN and I welcome Reverend Harris today to help get us started on the right foot and to do not just the Senate's business, not just the business of our country but the Lord's business as well.

With that having been said, I know Senator BIDEN is here and he wants to comment. I am delighted to welcome Senator Harris—Senator Harris? There was a Senator Harris, there may be another one someday too—I am delighted

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to join him in welcoming Reverend Harris today.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. The Rev. Dr. Harris is capable of being a Senator. She has the capability and competence to do any number of jobs I can think of.

I compliment my colleague for inviting the Rev. Dr. Harris to open the Senate this morning. As you could tell by Senator CARPER's reference to Reverend Harris, Senator CARPER is a man of deep faith, as I know the Chair is and as I am. We share different faiths, but we share a common set of values, as almost all the confessional faiths do, not just the Christian faith which we share. I am a Roman Catholic, my friend is a Presbyterian, and Dr. Harris is a Methodist.

The thing about Dr. Harris—and I will not take a lot of the Senate's time—the thing about Dr. Harris that has impressed me from the many years—my Lord, I think it may be more than a couple decades. I have known her a long time. She was an incredibly well-respected figure in my State before she went to the ministry—before. Since then, she has carried on that same path of excellence that she did prior to the ministry. But if I can take a page from my colleague's book in referencing Dr. Harris's opening prayer, she talked about wisdom, which she knows we need in abundance. But she also talked about—she used the word that, if I had to describe her, would be the word I would use. She talked about tolerance. The thing that most impresses me about the Rev. Dr. Harris is her literal—not figurative, not rhetorical—commitment to the notion of tolerance.

She has such an expansive view of human nature. She has such a welcoming—not only faith but personality.

I think if I had a wish, if the Lord came down and sat at my desk and said: JOE, you get one wish. What is the one attribute you would like to pervade this Chamber? Maybe even more than wisdom, it would be tolerance.

Tolerance is not engaging in relativity. Tolerance does not mean we don't have strong beliefs and strong opinions and strong positions on faith. Tolerance is what not only our Christian religion teaches us but Judaism and Islam and Hinduism. It is about tolerance. It seems to me that is the single most lacking element in American society today.

I think if you get to know her—you are not going to get to know her, I realize that is a bit of an exaggeration—I hope you get a chance to engage Rev. Dr. Harris today. She exudes the notion of tolerance which equates with her notion of equality. It gets to what—I will conclude—my friend Tom said, the two great commandments: love thy God and love thy neighbor. This is all about loving thy neighbor. We are the single most heterogeneous democracy in the history of mankind.

It is unable to function—I look at the pages wondering: What is this old guy saying? This country is unable to function without the lubricant of tolerance. And Dr. Harris embodies that.

I am honored to be here this morning with her. I, again, compliment my colleague on not only his comments but inviting Dr. Harris to be here and introducing her to all of you and to those who are watching C-SPAN this morning, watching her.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of Senator MCCONNELL and myself, there will be an hour for debate prior to a cloture vote on the motion to disagree in the House amendments with respect to H.R. 3221, the housing reform legislation. Senators should expect a cloture vote to begin sometime around an hour from now.

Last night we reached an agreement to consider the nomination of General Petraeus and Lieutenant General Odierno at a time to be determined by me and the Republican leader. We will set a time to do those votes. There will be 20 minutes of debate, equally divided and controlled between the chairman and ranking member of the Armed Services Committee, prior to votes on their confirmations.

Finally, last night we were unable to get consent to move to global AIDS legislation, and therefore it necessitated my filing cloture on the motion to proceed to the bill. I am hopeful we can reach some kind of agreement on a way to proceed.

I had a conversation on the floor with Senator KYL, a public conversation on the floor. He is hopeful and confident something can be worked out. I hope that, in fact, is the case. As I have indicated, this is one of President Bush's pieces of legislation that he is pushing. We, on this side, are ready to move forward on it. We would like to be on something that is agreed upon between Senators LUGAR and BIDEN and other people who have some interest in this matter. I hope that can be done; otherwise, we are going to have a cloture vote on that tomorrow.

I hope we can work something out. If not, I hope we would be allowed to proceed to this legislation. As I have indicated to the Republican leader, if cloture is not invoked on the motion to proceed, then that will be the end of that legislation for this work period. If necessary, we will have to come back to it in the next work period. But with time constraints we have this work period, this is our opportunity to complete that legislation.

I have been told that S. 3236 is at the desk and is due for a second reading.

It obviously is not ready yet.

The ACTING PRESIDENT pro tempore. The matter will be read on the next legislative day.

Mr. REID. I am sorry about that, Mr. President.

We are going to vote in a short time on cloture, a final cloture vote on this housing bill. It is so important we get this done as quickly as possible. I am disappointed in that Senator SHELBY and Senator DODD, who worked very hard, had a little tight managers' package that would have made it so much better to take to the House, but I have been told Senator DEMINT is objecting to that. As we know, in the Senate, one person can hold up things, and it is my understanding he is going to hold up things.

The reason it is important we do this and move forward on this legislation, Mr. President, is that in the news today, the Associated Press reports that the number of homeowners stung by the rout in the U.S. housing market jumped as foreclosure filings grew by more than 50 percent compared to June a year ago.

Nationwide, 252,363 homes received foreclosure notices in June. That is 1 month. Foreclosure filings increased a year ago in all but 11 States; in 39 States they went up.

The highest foreclosure rates: California, Arizona, Florida, Michigan, Nevada. This is a very desperate situation we find. It is more than the people whose homes are being foreclosed upon; it affects neighborhoods where the homes are being foreclosed upon; it affects communities where the homes are being foreclosed upon. It affects, of course, the lenders who do not want to foreclose upon the homes. It is a loss for them when they do that. It is a loss for the community where the home is located because they lose revenues, tax revenues for that home.

So foreclosure is a lose-lose situation. I hope everyone would understand the importance of it. I hope Senator DEMINT would reconsider holding up this managers' package which has been worked on for more than 2 months now by Senators DODD and SHELBY and other Senators.

But we are going to send it back to the House today, I hope today. I also hope that Senators would not require the 30 hours to be used. But we will see. They have that right, to use at least part of that 30 hours postcloture.

I am glad we are moving along. I hope we can complete our work today. If not, we will complete it tomorrow for this week.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GAS PRICE REDUCTION ACT

Mr. McCONNELL. Mr. President, the Senate came back into session 4 days ago and we have yet to address the No. 1 issue in the country; that is, high gas prices. There were 44 Senate Republicans who introduced legislation over 2 weeks ago which would have an immediate impact on the price at the pump.

The Gas Price Reduction Act can be summed up in four simple words: Find more, use less. The Gas Price Reduction Act focuses on simple solutions which already have support from many of our friends on the other side of the aisle.

Many of our colleagues, Democratic colleagues, have now acknowledged the merits of allowing States to open the Outer Continental Shelf for deep sea oil and gas exploration. Our bill was limited to only those States that want to do that. It gives a State option for the opportunity to go onto the Outer Continental Shelf for deep sea oil and gas exploration. We all agree we can do more in encouraging the development of alternative energy sources, which is why the Gas Price Reduction Act contains incentives to develop plug-in electric cars and trucks and new battery technology.

In addition, we included measures to strengthen the U.S. futures markets by increasing funding and staff for the Commodity Futures Trading Commission and examining foreign markets. These ideas also have support from many on the other side of the aisle.

By focusing on the areas where we agree, instead of the ones where we differ, we can achieve results for the American people. I ask my good friends on the other side of the aisle to join us in finding energy policies we can agree on. Believe me, the American people are demanding it. We can pass meaningful legislation which would develop more American energy while encouraging conservation, and we need to do that very soon.

NOMINATIONS OF GENERAL PETRAEUS AND GENERAL ODIERNO

Mr. McCONNELL. Mr. President, we also have an opportunity today to confirm the nominations of two of our Nation's leading generals. Secretary Gates and Admiral Mullen have both, rightly, talked about the challenges facing the Nation as we transition from one Presidential administration to the next during a time of war. The next President will be fortunate to have General Petraeus and General Odierno responsible respectively for central command area of operations in Iraq.

It is the nature of world events that the next President will be confronted with some international emergency that could not have been anticipated. What we know is that our strategic interests in the Middle East and Persian Gulf are longstanding and are being challenged. We know that the threat of

an Iran regime bent on securing a nuclear weapon will not end when a new President is sworn in next year.

We know that despite the real progress made as a result of the surge of forces into Iraq, that the transition of forces, responsibilities, and missions must be managed with a steady hand.

Both of these fine officers are well prepared for their next responsibilities. As a nation we are lucky to be able to call upon such men at this critical point in American history.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

ENERGY

Mr. REID. Mr. President, my distinguished colleague is right, gas prices are a tremendous issue. We in Nevada feel it very deeply. The average price of gasoline is now \$4.11 or \$4.12 a gallon. In Nevada it is much higher than that.

We have to do something, there is no question, with domestic production. Right now, we have, counting ANWR—and the Republicans thankfully have stopped raising that as an issue; they do not want to drill in ANWR; that is good. But even counting ANWR, and all of the offshore, we have less than 3 percent of the oil in the world. So we cannot produce our way out of the problems we have, because we in America use more than 25 percent of every barrel of oil that is used every day. We use more than 25 percent of it. But we can do better with our domestic production, and we need to do that.

The Republican bill that has been introduced does not have a single line in it that deals with renewables. But I accept the invitation of the Republican leader and I hope he accepts our invitation. Let's work together to try to get something done as it relates to domestic production.

In the other areas, as we know, there are 68 million acres available for drilling right now, 68 million acres. How much is 68 million acres? Look at a map of the United States. Look at the State of Nevada. If you discount Alaska, we are the sixth largest State in the Union. We make up about 68 million acres. From the southern tip of Nevada to the top is more than 700 miles; across the top of the State of Nevada is more than 400 miles; a lot of space. That is how much area is left available to drill right now. We ask and invite the oil companies to start drilling, find out where in the 68 million acres there is oil. We know there is oil. I also invite the oil companies to look at the 8 million acres in the Gulf of Mexico that we legislatively, less than 2 years ago, allowed them to explore and drill.

We know we need to do a better job producing domestically. We are going to do our very best to do that. But we hope there would also be an agreement that any oil that is drilled and produced in the waters off the coast of America be used in America. That is

important. And we have had test votes in that regard.

When there was a question about whether there would be drilling in ANWR, we asked that oil—and I believe the amendment was offered by Senator WYDEN, an amendment that said: Okay, we can drill oil out of ANWR. You must use that oil in the United States. All but 16 Senators said: That is absolutely right.

One of the 16 Senators who said no was JOHN MCCAIN. I hope JOHN MCCAIN would join us in saying that the oil we get offshore should be used in the United States. In the past, obviously, he has disagreed with that. I do not think it is fair that we drill in the territorial waters of our country and then ship that oil overseas.

We also have to deal with speculation. The Republican leader mentioned that their bill talks about adding staff to the CFTC, the entity that controls some of the trading that takes place with oil. We also agree there should be something done. I am having a meeting today, and we are going to make a decision as to what that legislation should be. So we share that with our Republican friends and hopefully they will join us in that regard.

One thing that is not in the Republican legislation that we think is so vitally important to use at this time, as did this President's father when he was President, is the Strategic Petroleum Reserve we have in America, which is 97 or 98 percent filled. Why did we fill it? For emergencies. I think for emergencies such as this, as was done with his father. Once you start tapping that, the price of gasoline goes down very quickly so we would hope there would be efforts made by this administration to start taking oil out of the reserve. I think there is room for us to work together; that is, Democrats and Republicans to try to meet the expectations of the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform, and for other purposes.

Pending:

Reid amendment No. 5067 (to the motion to concur in the amendment of the House adding a new title to the amendment of the Senate), to change the enactment date.

Reid amendment No. 5068 (to amendment No. 5067), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, and with the Senator from Connecticut, Mr. DODD, controlling the final 10 minutes.

The Senator from Wyoming.

ENERGY

Mr. ENZI. I will be using some of the first of the Republican minutes. I thank the leader for his comments on energy. I too think we can get together and solve a huge problem for this country.

I do want to make a clarification on the Republican bill that was put up. I do not want anybody to think that was comprehensive. The leader mentioned some things that were left out. I have got a number of matters that were left out of that bill that should be in there, except what we have a tendency to do in this body is to lump everything into one big bill. If a few people do not like this part and a few people do not like that part, then pretty quickly we cannot get a majority. So we need to do things in a smaller way. This will make a huge difference in the price of gasoline. The Republican bill would make a huge difference in the price of gasoline. But it is a package that we thought everyone could come together on. And somehow we are going to have to do that in this body if the United States is going to progress.

We can bring down the gas price Goliath if Democrats and Republicans will work together to pass legislation that will help America find more oil as we use less. Actually we have to do both. If we increase the supply and we cut demand, we will beat this giant problem. If we use less and we find more, we will beat this giant problem.

I had the privilege of traveling around Wyoming last week during the July 4 home work period. There is no question that gas prices are the No. 1 topic on everyone's mind. In Wyoming the rising price of gasoline and diesel fuel hits us hard, because our cities and towns are spread out and we are often forced to drive tens if not hundreds of miles to get groceries and to go to work. I am personally as concerned as are my constituents with the rising price of gasoline. I get angry when I fill up my vehicle and I am charged more than \$4 a gallon for gas. I am skeptical when I hear the oil industry is making record profits and CEOs are taking home huge pay packages.

Well, what can we do about that? Increasing taxes will not produce any more oil. It would raise the price of gas further, and probably drive production off our shores, so we would be paying for oil from other places.

We do have a plan that would reduce gas prices. I have cosponsored S. 3032, the aptly named Gas Price Reduction Act of 2008. It recognizes that the biggest problem we face is the problem of supply and demand.

Right now America does not produce enough energy to meet our Nation's energy needs, but with increased efforts and innovation we could. We need to produce more domestic energy while we use less in the future. We need more American oil from American soil.

By developing more American energy as we work to conserve our usage, we will secure America's energy future. In order to do that, though, we have to have agreement from the other side of the aisle that we do want to develop more energy sources. We do not have that agreement yet. I do not know how much longer those on the other side of the issue can hold out against their constituents who are hurting from the higher gas prices, but I hope it is not long. We need to get something done now.

The bill I am cosponsoring is not perfect. It does not include everything I would like it to include. But it is a start. That is what we need, a start. We need to start doing something now to improve our Nation's energy situation. We need to stop playing "gotcha" politics and start coming together to start finding solutions. Congress should be addressing high energy prices by looking for solutions that produce more American energy while we reduce our usage. That is what those in control of both Houses of Congress do not seem to understand at this stage.

The continued rise of gas prices is going to put an end to the dog-and-pony show eventually, and when the dog-and-pony shows ends, and we stop playing "gotcha" politics, we need to start to take a look at our Nation's energy policy.

We need to come together to increase our energy supply. We need to look at the energy situation in steps. Instead of trying to pass massive bills that have provisions a number of Members can't support, we should work on passing smaller, consensus bills. We need to put partisan differences aside to figure out what we can do to improve our energy situation. How do we lower gas prices? We find more, as we use less. We increase our oil supply, as we each seek to cut back the amount of gas we use. Increasing supply by getting more American oil from American soil while at the same time conserving will lessen our demand and bring prices down. We have choices to make. Do we meet this challenge head-on by finding more oil, using less, putting our back and our brains into the task of developing better ways to use what we have, or do we do what many would have us do and say it is too late or that it is the oil companies' fault or they blame the Government and look to lawyers to solve our problems?

I have listened to my colleagues criticize the speculators who are, in theory, driving up oil prices. As the Wall Street Journal pointed out, Congress always needs a political villain and speculators always end up tied to the whipping post when people get upset about prices. We have an energy

problem, but instead of looking at what we can do to fix the problem, we continue to play the blame game. My colleagues don't mention that the so-called speculators are often pension funds or airlines that want to stay in business and stabilize future fuel prices. My colleagues often fail to mention that for every person who is making money in the futures market, there is a person losing money.

Major oil consumers need some certainty in this volatile market so they use the futures market to hedge their bets. They can't get certainty from Congress that we will produce more energy, so they need to find it somewhere.

I am cosponsoring the Gas Price Reduction Act. I am cosponsoring clean coal measures. I am advocating American oil production and refining. I am also pushing to renew important tax credits for wind and solar power so that we can use more renewable energy. I am not ready to let the greatest Nation on Earth sink into poverty because we were not willing to help ourselves.

I am also counting on the innovation of the American people. Americans are the most innovative people in the world. If they face a challenge, they will come up with solutions. I was part of the rocket generation. Sputnik went up when I was in junior high. Our generation figured out how to get a man on the Moon. We had the computer generation, and we have led the computer world. Then cell phones were the next generation. Now we need the energy generation. We need the kids to invent clean ways, better uses, and more production. It can be done in a good way.

We are in the situation we face today because we haven't acted for years. We did not get in the situation overnight, and we won't get out of it overnight. What we can do is work to make the situation better. I am committed to working with colleagues to do just that. Let's stop playing the blame game and start working together to get things done. Moving forward with the Gas Price Reduction Act or, if not that specific bill, then parts of it, is what we have to do to bring prices down. If we don't move now, we may not be able to afford the gas so we can move into the future.

I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague for talking about the energy situation and the price of gasoline. I have traveled my State hard. I know Senator ENZI knows his State like the back of his hand. He goes to every place in it repeatedly and talks to average people. They are hurting.

Look at the numbers. In 1 year, over the last year, the average family drives 24,000 miles a year. The average family

is paying \$105 a month more for gasoline for their automobiles than the previous year. You go back over, since 2003, it is \$217. That is a new expense they never had before, and 60 percent of that money is sent abroad to purchase oil that we utilize because 60 percent of our fuel comes from abroad. It totals \$500 to \$700 billion in a wealth transfer each year now. It is unbelievable. T. Boone Pickens said it is the greatest wealth transfer in the history of the world and it is adversely affecting our economy, not just the fact that the family has less money now to take care of other needs. It has to go to gasoline so people can commute to work, in large part, I would submit, by the failure of this Congress to act.

I have been speaking on these issues ever since I came here. I have been pointing out the need for increased production consistently. We produce off my coast in Alabama substantial amounts, but 85 percent of our offshore production is now blocked.

We need to do this. We are talking about \$105 more a month out of the family budget, so they can't purchase items with this money. It is rippling through the economy. It is not a ripple; it really is a tsunami.

Let me point out some of the things in recent magazines and recent newspaper articles. Here from the New York Times yesterday:

High fuel costs lead AirTran to cut 480 jobs. AirTran announced it would eliminate 480 pilot and flight attendants' jobs, joining a growing list of airlines that have cut their workforces in the face of high fuel prices.

The cost of jet fuel has risen 92 percent this year, which is almost double in 1 year.

Here is the New York Times of July 8:

Markets decline even as oil pulls back a little bit.

The price dropped just a little.

Wall Street, which has been hurtling stocks lower for the past few weeks, remains fearful that consumers are trimming their spending to pay for gasoline. With consumer spending accounting for more than two-thirds of [U.S.] economic activity, a pullback would create big ripples.

Boy, I tell you, they are reducing spending; \$105 less a month they have now to spend on other items because they are having to spend on it gasoline.

Here is the Wall Street Journal the day before yesterday:

Stock Drop Spooks Currency Investors: Oil Prices Still Key.

... Janet Yellen [Federal Reserve Bank member], who made surprisingly worrisome comments about inflation.

"The continuing rise in oil and commodities has certainly raised the inflation risk."

It is just every day. Does anybody not understand this? I have to tell you, I have to say, and I have spoken about this several times, I am utterly disappointed in my Democratic colleagues for having no plan whatsoever to deal with this problem. It is just not a plan. I am willing to discuss how we can work together. I am not wedded to every single issue, I would say. I am

willing to consider anything that will work. But I will tell you that the Democratic leader made a speech down here, and they offered a policy that proposes these things:

Tax the oil companies; that would make us feel better. It might even be a good policy to raise revenue, perhaps. But it is not going to increase oil production to tax the people who do it. When you tax something, you get less of it. People cannot pass a law to repeal the law of supply and demand. You tax it, you will get less of it.

No. 2, they want to prosecute, pass a law to empower the FTC to prosecute stations for price gouging. We already have a law that allows the FTC to do that. They say the gas stations are not prosecuting. They want to go prosecuting after speculators. Speculators are able to operate and be successful. I don't defend them. They are out to make a buck any way they can. They are able to do that because we have a demand for oil that is greater than supply. I think it is 86 million barrels of oil demand a day at this point and 85 supply. So they are able to maneuver in that thing and play this game and make themselves some extra money. But if we got the supply up and our demand down, they wouldn't be able to do this. They couldn't do it when we had \$10-a-barrel oil a decade or so ago.

They want to sue OPEC. OPEC, what do they do? OPEC meets to decide the amount of oil they want to produce essentially, and that creates the shortages that are driving up the price. Eighty percent-plus of the oil in the world today is not held by oil companies. It is held by nation states, many of them hostile to the United States. OPEC meets to set the price by controlling the supply. They are reducing and not producing the oil that they could if this was a real free market. They are manipulating the market. OPEC meets to decide how much they are going to tax the consumers of the world and, in particular, how much they are going to tax us.

I have to tell you, it is a dramatic thing that is happening. I am told that it costs less than \$10 a barrel to produce oil from the sands of Saudi Arabia. Yet they are selling it for \$140 a barrel. This is the kind of wealth transfer that is damaging our economy. It is hurting this Nation. It is something we have to confront with real policies that will work, and there are some.

I happened to catch Jack Welch, former CEO of GE, on one of the morning talk shows not long ago. They were dealing with this question of Senator OBAMA and many of our colleagues here who say: Don't drill in Alaska; it might take 10 years. It wouldn't take quite that long, but they say 10 years. You shouldn't drill off the coast; that will take 10 years. Really, drilling off the coast, you begin to get production. They drill off my coast in Alabama right now, but there are other areas with lots of reserves. It would take 3 years, 5 years to get production.

This is what Mr. Welch said. He said: It is amazing to me that a person who aspires to be the President of the United States would say he is not going to take a policy today that won't have an impact for 5 years. Think about it. He went on to say: A President should be thinking 5, 15, 30 years down the road. We need to be doing the things that serve our long-term national interest. Just because it would take some time to have this go forward, we should not delay taking action.

The matter is pretty serious. A Wall Street Journal article by Gerald Seib, executive editor, notes that there are three problems with the high prices of oil. One is that, of course, it impacts the family budget. The second is that the high prices weaken our Nation's economic independence because we owe so much money for it. Thirdly, the money is enriching countries, many of which are hostile to the United States.

So I think we are at a point in time when we need to get together, Republicans and Democrats, and recognize that we face a problem that challenges our family budgets, that we have, in effect, taxed the American people, or allowed them to be taxed, by over \$100 more a month in 1 year alone, that we can make a difference and bring those prices down—certainly stop the continuing increase. But we have to do something. There are things we can do.

I will say, as a person who has been able, a few times, to go fishing on the gulf coast, we go out and fish under oil rigs because that is a good place to fish, and it is clean and there is no oil out on the water. They are very careful about that.

We have approximately 51 billion barrels or more of recoverable reserves in the Gulf of Mexico. That is a lot. We use, as a nation, 5 billion barrels a year, and 3 billion of that is imported. If you replaced that 3 billion, that would be 17 years right there just from offshore production in the Gulf of Mexico. We have 85 percent of our reserves still blocked. We have had production that is still being effective off the coast of California before that was blocked. None has been expanded since, in decades, and none, really, off the Atlantic coast. But there are reserves out there. States such as Virginia are talking about maybe that would be a good way to produce additional oil and serve the national interest.

We have the opportunity to produce oil from shale. There are 1.8 trillion barrels of oil in shale rock. Perhaps 800 billion of that is recoverable, experts tell us. We are using 5 billion a year, so that is 100 years or more from shale rock. I am told they can produce that at less than the current world price, keeping wealth at home, producing our energy at home, not sending that abroad.

I will tell you, one of the greatest potential breakthroughs that could help us with global warming emissions and

other areas is hybrid automobiles, particularly a plug-in hybrid. I strongly believe we should—my time is up.

Mr. President, I ask unanimous consent to have 1 additional moment.

The ACTING PRESIDENT pro tempore. Is there objection to 1 additional minute?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will conclude by saying that nuclear power produces no emissions into the air. We need to expand it. We are at 20 percent now in our Nation. We have not built a plant in 30 years. France has 80 percent. We could plug in our cars at night, charge those batteries with clean nuclear electricity, and run back and forth to work. That is within our grasp right now.

Those are the kinds of things we need to be talking about: expanding wind, expanding biofuels, expanding the production of our existing resources, keeping American wealth at home, ending this incredible transfer of wealth.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Thank you, Mr. President.

UNFINISHED BUSINESS

Mr. President, I, too, want to talk about high gasoline prices, but I want to talk about other unfinished business this Senate has not taken care of. Fortunately, we do have one positive development; that is, yesterday we passed the Foreign Intelligence Surveillance Act—after 145 days had lapsed. So that is a good thing. But we have unfinished work to do.

For example, the Colombian Free Trade Agreement—it has been 597 days that our American farmers and manufacturers have been disadvantaged by tariffs on goods sold here in America. For my State of Texas, there is \$2.3 billion a year that is charged in tariffs for our exports when they are imported into Colombia, when Colombian goods bear no similar tariff when their goods are imported into the United States.

Then there is the matter of judicial nominees waiting for a vote—some as long as 742 days.

Then, finally, on the matter of gasoline prices, it was about 808 days ago when Speaker PELOSI said that if she and other Democrats were put in charge, they would come up with a commonsense plan for bringing down the price of gasoline at the pump. Well, that was when gasoline was about \$2.33 a gallon. Now gasoline averages \$4.10 a gallon, and we are still waiting for that commonsense plan to bring down the price of gasoline at the pump.

Increasingly, Americans are squeezed by the high cost of gasoline. Of course, it is driving up everything from food prices to competing with people's ability to pay for their housing, their health care, transportation, and, obviously, the tax bite, where State and local and Federal taxes take up a huge amount. About 111 days of income is used just to pay for that tax burden.

But what we need to do, I firmly believe, is to find more domestic energy as we use less. What do I mean by that? By using less, we need to conserve, we need to be more efficient. America consumes about 20 percent of the world's oil supply, and unfortunately, about 60 percent of that we import from foreign sources. We are literally held hostage by groups such as OPEC, the Organization of Petroleum Exporting Countries, countries such as Venezuela and Hugo Chavez and others that are charging us about \$140 a barrel for oil. Of course, that oil is used to make gasoline at refineries.

But my constituents in Texas are very worried about the failure of Congress to act by removing the impediments or the moratoria on developing what is about 85 percent of our natural resources here at home. That is what I mean by finding more while we use less.

For example, Debra, from Lovelady, TX—a town of roughly 600 people, just a “Texas mile” north of Houston—recently wrote me this letter. She said:

I am a school teacher in a small rural East Texas school, so my income is very limited. I drive almost 30 miles one way to work each day as do many of my family and neighbors. We have chosen to stay in small towns for the “everyone is family” feeling they still give, but it makes it harder to live with the cost of everything rising.

She said:

The rising price of gasoline is limiting everything I do. I will not make a trip to town unless it is for my monthly shopping needs or to go to church. There will be no summer trips for me this year as I do not see a way to afford driving anywhere.

She concludes:

I know there are vast resources America could tap into. . . . Please look into exploring the energy resources we already have in America.

Well, I believe Debra speaks for a lot of people in this country now as they see their prices go up, as it is driving commodity prices up, such as food costs. They are finding it harder and harder to make it, even if they do have a job, even if they have an income.

I believe it is past time for Congress to respond by removing the impediments to domestic production. That is why I cosponsored the Gas Price Reduction Act of 2008. That act can be summed up, as this chart says: Find more and use less. It opens up offshore and shale oil deposits for exploration so America's energy producers can gain access to Federal lands. This also will create jobs right here in America, which is something I would think we would want to do. In a time when we are talking about economic stimulus, about concern for the economy, don't we want to create more jobs here in America rather than having those jobs created in places such as Saudi Arabia or Mexico or Canada or Venezuela?

At the same time, this bill increases research and development initiatives and for battery-operated plug-in hybrid technology. I think it is hard for many of my constituents in Texas, with the

long distances they have to drive, to imagine a day when they will be driving a battery-operated hybrid car, but I do predict the day is coming, and companies such as General Motors and other car manufacturers, in 2010, will begin selling these plug-in hybrid cars that you can literally plug into a wall socket at night and recharge the battery and then drive about 40 miles on that battery before you have to get a generator to recharge the battery to provide you additional range. This is in our future. Right now we have about 240 million cars on the road, and the average age of those cars is about 9 years. So obviously it is going to take a long time—about a decade—before we can transition from the kinds of gas guzzlers and cars that we drive now to something that provides an additional alternative.

I think we are beginning to see some cracks in the intransigence of many in Congress to preventing additional domestic production. I know there are a number of Senators, a fabled group called the Group of 10, the Gang of 10—5 Republicans, 5 Democrats—who are meeting to try to come up with a bipartisan alternative. I applaud that effort. It is really important because, as we all know, nothing happens around here unless it is on a bipartisan basis. I think it is very important, as I saw the Democratic whip say that he was not opposed to more exploration and production.

I would invite those who are worried about exploration and production here in America to fly into DFW Airport where you can see gas wells being drilled into the Barnett shale right there from your airplane as you land or as you take off. It is being done using modern drilling technology which is compatible with the safety and security of the neighbors as well as a good environment.

We need to act in a bipartisan fashion on real energy solutions—a combination of conservation and energy production. It will be good for America's economy and our energy policy, as well as our national security. Find more, use less.

The ACTING PRESIDENT pro tempore. The minority time has expired.

The Senator from Wisconsin.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 3237 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Ms. CANTWELL. Mr. President, today, I rise to express my support for the Housing and Economic Recovery Act.

The housing crisis in America has reached critical proportions. In Auburn, WA, Michelle was a single mom with an income that made it very difficult to find an apartment she could afford. Like so many people, she searched desperately to find a roof to put over her children's heads. The search is not easy. The search is not fair. But for the hundreds of thousands

of Americans that need affordable housing today, the search is a reality.

The number of renter households jumped by nearly 1 million last year, according to a Harvard University Joint Center for Housing Studies Report. And monthly rents are reaching record highs. Last year, they climbed to an all time sky high of \$775.

We are faced with a fundamental supply and demand problem: a ballooning renter population and a diminishing supply of affordable housing.

This is a problem that requires a real solution. And today, I am proud to say that we have taken action to put people like Michelle in the homes they so desperately need and deserve.

This action did not come without the hard work of many people. I especially want to commend Finance Committee Chairman BAUCUS, Senator GRASSLEY, and their staffs. Because of their hard work, we have included in this comprehensive housing and economic recovery package a set of provisions that encourage the development of affordable rental housing by expanding and improving the low-income housing tax credit. I also want to recognize the tremendous leadership of House Ways and Means Committee Chairman RANGEL, who has long been an advocate for affordable housing and a champion of the tax credit program.

Because of current conditions in the financial markets, the development of many affordable housing options has come to a screeching halt. And for the hundreds of thousands of homeowners that must now turn to rental housing, the homes they could afford are diminishing at an alarming pace.

I knew this was a critical problem that needed a solution. Many of my colleagues, including Senators KERRY and SMITH, agreed. We worked together to ensure that the tax title of this bill contains the provision that will extend the reach of two of our most successful and broadly supported Federal housing programs: the Housing Bond and Low-Income Housing Tax Credit Programs.

We now have the best cumulative version of what the Senate and House independently approved.

The Low-Income Housing Tax Credit Program was created as part of the Tax Reform Act of 1986 and made permanent in 1993. Designed as a public-private funding partnership, largely administered by the States, this program built its way into the history books as the most successful production program in existence.

These tax credits have created 2 million homes for families in need—homes with restricted rents for terms of at least 30 years that would have otherwise been impossible.

In fact, in April 2007, Michelle from Auburn, WA, moved into one of these homes created by tax credits. She is thriving and able to provide for her children. Without tax credits like these, I am unsure where Michelle and her family would be.

We are building opportunity out of this past success and passing this op-

portunity on to the Americans who need it.

This will work now to increase the number of affordable choices available to our neighbors in need. State agencies award housing tax credits to housing developers, who turn the credits into construction funds by selling them to investors. These funds allow developers to borrow less money and pass the savings on to renters in the forms of lower rental rates.

A classic “win-win” situation.

By extending the reach of this program in the tax title of this bill, we give States the flexibility they need to develop housing credit properties in hard-to-serve, often rural, areas; we give investors needed AMT relief for housing bonds, housing credits, and rehabilitation credits; and we give our vulnerable neighbors, like Michelle, the homes they need.

It is critically important that Congress's response to the housing crisis not leave out those in need of affordable rental housing. I am proud of this legislation and am anxious to see it enacted into law.

Mr. LEVIN. Mr. President, I am pleased that we are at last moving closer to enactment of much-needed housing legislation.

The foreclosure situation in my State of Michigan continues to be dire. In 2007, there were more than 103,000 foreclosures. According to the data released recently by RealtyTrac, there were nearly 13,000 Michigan foreclosure filings in May alone, a 25 percent increase from the previous month. That is one foreclosure filing for every 353 households, which puts our State's foreclosure rate at the fifth highest in the Nation. Nationwide, filings are up nearly 50 percent compared to this time last year, with one in every 483 U.S. households receiving a foreclosure filing in May.

Sadly, we all know that homeowners facing foreclosure are not the only ones being impacted by this crisis. Property values have plummeted in many areas, due in part to the glut of abandoned and foreclosed homes. Lost property values moreover translate into decreased State and local revenue from property taxes, creating a shortfall in revenues and reducing the budget available for valuable State and local programs and services.

Our Nation's broader economic woes can also be traced back, at least in part, to the foreclosure crisis. There is a long chain of investors, lenders, and financial markets relying on American homebuyers to pay what, in many instances, are shaky home loans. Because of the record defaults on these loans, credit remains tight.

Throughout this crisis I have received wise counsel from many experts on foreclosure prevention and housing matters. Earlier this year I hosted a series of roundtable meetings in Michigan communities with leaders from local and State government, as well as organizations who are in the trenches

working with families facing foreclosure, to discuss practical ways to help homeowners and protect our economy from further damage. Many of the ideas discussed at those roundtables are included in this legislation.

I have also had the benefit of advice from Bernie Glieberman, chairman of the board of the Michigan State Housing Development Authority, and member of the board of the Michigan Housing Trust Fund and Harvard University's Joint Center for Housing Studies policy advisory board. Long before the committees started crafting this housing bill, Bernie brought to my attention the idea of increasing tax-exempt bonding authority to enable State housing agencies to help struggling homeowners acquire more affordable mortgages. I am pleased that this bill will bring this additional bonding authority to fruition. I am confident that the Michigan State Housing Development Authority, MSHDA, and other State housing agencies across the Nation will put it to good use. These tax-exempt bonds will help agencies like MSHDA raise the funds needed to refinance homeowners from adjustable rate mortgages into affordable fixed-rate mortgages, as well as provide loans for first-time homebuyers and finance the construction of multi-family residential housing.

This bill has a number of other provisions that will help alleviate the suffering caused by the foreclosure crisis. Arguably the most important provision in this bill is the HOPE for Homeowners program, which will enable the Federal Housing Administration to provide groundbreaking new refinancing options to distressed borrowers. Through this temporary new program, the Federal Housing Administration, FHA, is authorized to insure up to \$300 billion in 30-year, fixed-rate mortgages. I applaud the work of Senator DODD and others of our colleagues in putting this FHA refinancing proposal together. It is based on the successful Home Owner's Loan Corporation that was implemented by President Franklin Roosevelt during the Great Depression to issue new loans to help homeowners in default.

It is important to note that this new program is not an investor or lender bailout. FHA will only insure loans at 90 percent of the current property value, which in most cases is significantly less than the original loan amount. Investors and lenders who choose to take advantage of this program must, therefore, be willing to take a hit. They will likely be willing to take this loss, however, because it will be less than the losses associated with foreclosure. Also, this is hardly a windfall for distressed borrowers, as some are claiming. Those who sign up for the FHA insured loans will share their new equity and future appreciation with FHA by paying a premium—3 percent initially, 1.5 percent annually thereafter—for the FHA loan. They are also required to give a portion of the

equity from sale proceeds for this home back to FHA. I am pleased to note that this program, which is estimated to help nearly 400,000 homeowners nationwide, will not cost taxpayers money; in fact, it is expected to net \$250 million.

Not only does this bill take significant steps to help keep families in their homes, it provides immediate help toward rehabilitating blighted neighborhoods. The nearly \$4 billion in CDBG-like funding provided through this bill will go to areas of the country with the highest foreclosure rates and number of filings. Michigan stands to receive almost \$170 million through this provision, and the funds could be used to restore an estimated 6,000 properties. Inclusion of these neighborhood stabilization funds will help protect more homeowners from going “underwater,” and I urge Members in the House to support keeping this provision in the final bill.

Our economic crisis is exacerbated further by the fact that we are a nation at war. Our brave and dedicated soldiers should not have to return to U.S. soil to find that, facing foreclosure action, they no longer have a home. I am pleased that this bill will delay foreclosure action for returning soldiers and also provide them 1 year of relief from increases in mortgage rates. The bill also provides additional homeownership opportunities for veterans through increases in the VA loan guarantee amount. There is also funding for home modifications for veterans with service-related disabilities.

In addition to the provisions in this bill that help alleviate the suffering of the many families in dire straits, this legislation will help stimulate the slumping housing market and help to ease the broader economic slowdown.

One key provision of this bill is a 1-year, \$8,000 tax credit available for first-time homebuyers. The homebuyer would repay the money over time, similar to an interest-free loan. I have heard from realtors, prospective buyers, home builders and many others who believe this would help reduce the existing stock of vacant housing.

The availability of quality, affordable housing is critical to the economic health of America. This legislation would help create additional affordable rental housing and increased homeownership opportunities for low-income families by creating a new Housing Trust Fund and a Capital Magnet Fund. These funds, which would be provided as grants to States, would greatly help those who need it most because the funds are required to be used primarily for the benefit of low-income families. The bill also provides incentives to spur development of affordable housing property by the private sector through increases to current programs such as the Low Income Housing Tax Credit.

It is not enough to simply alleviate the Nation's present suffering and get us back on track for the time being. Congress has a responsibility to do

what it can to ensure that a housing crisis of this sort does not happen again. To that end, this bill contains a number of provisions aimed at helping homeowners avoid foreclosure and reforming major Federal players in the housing market: the Federal Housing Administration and the housing government-sponsored enterprises, including Fannie Mae and Freddie Mac.

As I observed during the roundtable discussions I hosted in Michigan, many counselors are doing good work on the ground to try and help families avoid foreclosure. However, foreclosure prevention counselors are overwhelmed, and a lack of funds is tying the hands of local groups trying to help keep families on track. This bill would provide \$150 million for pre-foreclosure counseling and \$30 million for legal services to help keep people in their homes.

This bill also establishes a new, independent regulator for the housing Government Sponsored Enterprises, GSEs, Fannie Mae and Freddie Mac. Through capital standards, audits and other internal controls, this regulator will oversee the safety and soundness of these financial giants who play such a key role in our housing markets.

I am pleased that this bill also incorporates long-awaited legislation to modernize and expand the Federal Housing Administration. These reforms will help provide access to homeownership to families in higher cost areas who have not been able to take advantage of the FHA program in the past, by raising the FHA loan limit. It will also provide counseling for first-time homebuyers as well as homeowners who are having trouble making their mortgage payments through FHA, and improve the FHA loss mitigation process to help struggling homeowners stay in their homes.

Finally, many blame predatory lending practices, at least in part, for the excessive number of irresponsible loans made to subprime borrowers. In response, this bill amends the Truth in Lending Act, TILA, to, among other things, require that borrowers be informed of the maximum monthly payments possible under their loan, and ensure full disclosures are provided no later than 7 days before closing so borrowers can shop for another loan if they are dissatisfied with the terms. In order to discourage unscrupulous behavior, statutory damages for TILA violations have been increased 10-fold, from current rates of \$200 and \$400 to \$2,000 and \$4,000, respectively.

I support this comprehensive housing legislation, and am confident that, once enacted, it will provide much-needed relief to many struggling homeowners in Michigan and across the country. Addressing the foreclosure crisis will require a team effort among Federal, State, and local governments, community and neighborhood organizations, and lenders, brokers, and borrowers. This bill recognizes that fact. It provides an opportunity to help keep struggling families in their homes. It

provides an opportunity to help restore our housing markets by keeping declining property values stable. It will protect neighborhoods from a glut of vacant homes. I will continue to work with my colleagues to get this bill passed, and, if need be, to overcome a Presidential veto. This legislation cannot come too soon.

Mr. DODD. Mr. President, I yield 4 minutes to my friend, the Senator from Alabama.

Mr. SHELBY. Mr. President, we are nearing the end of a long debate in the Senate dealing with what some people call the housing bill, but as we know, it is more than housing. One of the big titles in it deals with the reform of the government-sponsored enterprises—GSEs commonly known as Fannie Mae and Freddie Mac, as well as the Federal Home Loan Bank Board.

We know that we are in a housing crisis in this country. We have a lot more houses than we probably need right now, and we have a lot of people who are going to be facing foreclosure. So, working together with Senator DODD and our staffs, we have tried to come up with a plan to give thousands of people an opportunity for some relief. It is not a Government bailout. It is not taxpayers' money. It gives them an opportunity—assuming a lender is about to foreclose on someone—to get together with someone else who has borrowed money and say: Look, if you can get this refinanced through the FHA modernization plan, if we can do that and we can cut down on the value of the mortgage—take a haircut, so to speak—this is better than a foreclosure.

Lenders know the worst thing in the world for them is foreclosure. Borrowers know that too, because it is a dangerous game people play. Going back to the Fannie Mae and Freddie Mac situation, we know they play a huge role—a central role—in our housing, but we also know that together they owe a little over \$5 trillion; \$5 trillion in debt, and they are thinly capitalized because they are government-sponsored enterprises. They have the implicit guarantee of the taxpayer—the U.S. Government, basically. I have no reason to believe we would let them go under because there is a lot at stake. The way to keep them from getting in worse financial shape is to create a strong regulator that will monitor them closer than they have been in the past to make sure they have adequate capital.

With Senator DODD's 28 years and my 22 years on the Banking Committee, we have 50 years. In our combined 50 years on the Banking Committee, we have seen financial debacles. We have seen good times and bad times. What we are trying to do is prevent as many headaches and hardships as we can, not only to homeowners but ultimately to the American people by reforming GSEs. I hope this is a big first step today.

I wish to take a minute to commend my colleague, Senator DODD, chairman

of the Banking Committee. As I enjoyed my 4 years serving as chairman, I also enjoy working with Senator DODD and his staff. I wish to commend his staff as well as my staff, our Republican staff on the Banking Committee, including Bill Duhnke, Mark Oesterle and others, for all the work they have done here, night and day, and it is not over yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first let me thank my colleague from Alabama, Senator SHELBY. He makes it sound like Methuselah this morning referring to those years we have served together in the Senate, combined years of service. I have been a member of the Banking Committee since my first day as a Member of this body in January of 1981. I have served under and with a lot of different people on that committee, going back to Bill Proxmire of Wisconsin, who was the ranking Democrat in those days; Jake Garn, who was the chairman of the Banking Committee in 1981, the Senator from Utah. Over the years, Senator Riegle, Phil Gramm, and Paul Sarbanes, of course, chaired the committee, as well as, of course, Senator SHELBY.

This is an important moment for this body. We have a severe housing crisis in the country. I don't need to keep repeating that. All Members recognize it. When we go home and talk to our constituents, as we did over the last week or so, we see that this problem is not going away. We were hoping that somehow the market would be taking care of all of this and by now we would be seeing that proverbial light at the end of the tunnel, but the only light we see is the light of a train coming. Unless we act promptly, we are looking at a situation that will only get worse.

Our legislation is not the salvation of every problem. I wish to make clear to my colleagues that what Senator SHELBY and I and the other 19 members of our committee have done is to fashion some proposals that we think will make a significant contribution to the issue, maybe the most important one being a sense of optimism and confidence that this Congress of ours, despite the narrow margins that split us as two parties in this body, can actually work together to get something done.

There is a growing fear in the country—in fact, more than growing—that we are incapable of doing much here; that we can't seem to get much done because of the partisan divide. This bill argues strenuously against that conclusion. By a vote of 19 to 2, this committee marked up this piece of legislation.

We have now been on the Senate floor debating this because of the very difficult parliamentary situation we are presented with as a result of what the House of Representatives sent us, so we have spent this much time on this legislation. However, I think we

have a very good product reflected by the votes that have occurred over the last several weeks. I think the lowest vote total on any single proposal that has been either offered or suggested has been something like 77 votes, showing that an overwhelming majority of people are supporting this committee product, and we appreciate that as members of the Banking Committee.

So this action is coming none too soon. Today the RealtyTrac reported that over 250,000 families went into foreclosure in the month of June. That is a 53-percent increase over last year. We all throw these statistics around rather easily in this Chamber, but numbers, while staggering, are faceless and nameless. Behind every one of these numbers, that 250,000, that 53-percent increase, is a mother, is a father, is a family, and children whose lives have been unalterably changed for the worse because they are going to lose their home. They are going to lose their home.

Just imagine, if you will, those who have not been in that situation, what it would be like to wake up this morning and know that you have a foreclosure notice on your home, that you can't meet your obligations and you have to face your children, you have to face your spouse, you have to face your co-workers, and you have to find some other place to live. Mr. President, 250,000 people went through that in the month of June, 1,500,000 over the last year, and we are still here debating this bill and whether we can do anything to make a difference in people's lives.

What is happening today is a tragedy, a significant tragedy for these people, for their neighbors, for their communities, and for our country. The cover story in this week's issue of Business Week is entitled "The Home Price Abyss: Why the Threat of a Free Fall is Growing." I think the article sums up very well the threat we are trying to address with this legislation.

Let me quote from it:

The risk to the financial system and the economy is that the price drop, which is already horrifying, will start feeding on itself.

It goes on to say:

When home values fall low enough, hard-pressed homeowners become less able or less willing to keep paying their mortgages. That forces lenders to repossess homes and then dump them back on the market at fire sale prices, which depresses further the prices in those neighborhoods and leads to even more foreclosures.

When we consider the role home equity has played in supporting consumer spending, we can see that this vicious cycle can create a disaster. We have already had hundreds of thousands of job losses and the like. I think we all recognize we have a responsibility to act.

Today, we have an opportunity to pass the Housing and Economic Recovery Act of 2008, which will help us begin to address this crisis and the larger economic turmoil. I wish to add that we would have liked to have con-

sidered other amendments. Other colleagues had ideas to add to this bill. Because of a handful of Members who don't want any more consideration, we are forced into this situation. A number of amendments had been worked out between Democrats and Republicans, but we cannot even offer those. That is the situation. I regret that because there were some good ideas, frankly, that could have been added to the bill as it leaves here. But that is the situation. Candidly, we cannot wait longer, having gone weeks going through the parliamentary rigmarole on the floor of the Senate.

I will sum up again the legislation we are about to pass and send on to the House. The bill establishes the Hopeful Homeowners Act to assist at least 400,000, maybe 500,000 families to keep their homes and stabilize their neighborhoods. It does so after asking both lenders and borrowers to make financial sacrifices. It does so at absolutely no cost to the taxpayer. It creates a new class of regulation for Fannie Mae and Freddie Mac.

You can look in the Wall Street Journal of this morning if you doubt whether we should act or we can wait longer. The headline is: "U.S. Mulls Future of Fannie, Freddie." If you think we ought to wait longer to try to get something better out of the bill, consider what we may have happen to these GSEs, which are critical to providing stability in the housing market. The world-class regulator, which is something we tried to do over the last 7 years, is finally done in this bill on a bipartisan basis. Recent news makes it clear these entities need a strong regulator to ensure they are viable and healthy institutions.

The bill raises the loan limit from \$417,000 to as high as \$625,000, so the GSEs can play a more active role in stabilizing the housing market. I wish to point out that this loan limit is considerably higher than what was included in the committee-passed bill. Senator SHELBY, to his credit, and I agreed to do this in an effort to accommodate the interest of the other body, the House. And also the people who live in higher cost States, the higher numbers will be important for them to get relief as well from the bill.

Treasury Secretary Paulson said passing this legislation is the most important thing we can do to address the housing crisis. The bill modernizes the FHA program, raising the loan limit from \$362,000 to \$625,000. The FHA proved its value in the current crisis. It continues to be a stable source of mortgage credit, while many other lenders have failed. This bill will make sure FHA is available to even more American families.

To give you some idea of how this affects people, by raising these limits to the \$625,000 level from \$417,000, we will now cover 85 percent of the American population and 98 percent of the counties in America. The other 2 percent are the very high-cost counties. My

State has one of them, and several other States across the country do as well. But 85 percent of the American people are potentially covered by this bill, and 98 percent of the counties will be covered by the numbers we have raised from \$417,000 to \$625,000. When people tell you we are not reaching enough, we have reached about as far as you can reach if you are interested in helping those who may face more serious problems.

The bill includes a permanent affordable housing fund, financed by Fannie Mae and Freddie Mac, that will provide tens of thousands of affordable housing units in the future. Let me say, about this part of the bill, the GSE reform will be long lasting and important. The HOPE for Homeowners Act is temporary; it doesn't exist after 3 or 4 years. Maybe the most important thing we will do is the affordable housing issue in this bill. No new tax money required. The money will come out of the GSEs. We know, as a matter of fact, that we have built very few affordable housing units in this country over the last number of years. And particularly those people losing their homes will have a hard time finding rental units. This is a permanent bill on affordable housing, and there is a means to pay for it without adding to the taxpayers' costs. It is one of the most important long-lasting features of the bill. In the long term, that bill will make a huge difference for millions of people.

Seventeen million people today spend half their disposable income on their houses. If you are on SSI, in fact, housing costs exceed the monthly benefits you get today under SSI. For millions of people in this country, that affordable housing provision can be very important in the long term.

The bill includes a new protection for elderly homeowners taking out FHA-insured reverse mortgages so they are not deceived into using the proceeds from the loans to buy expensive and needless insurance products. These are provisions that were incorporated by Senator MCCASKILL, and we thank her for it. There is a new mortgage broker and lender licensing requirement that was added by Senator MARTINEZ and supported by Senator FEINSTEIN from California. That will begin to address many of the abuses of the mortgage process that have been perpetrated by brokers.

In addition, the bill includes improved disclosure requirements that were added by Senator REED of Rhode Island and Senator BOND of Missouri as well. Because of the effort of Senators KERRY, COLEMAN, AKAKA, CORNYN, and SANDERS, the bill expands the availability of VA housing programs. It includes a number of provisions to help returning veterans save their homes from foreclosure and provides new housing benefits to disabled vets as well.

In an amendment adopted on the floor prior to the recess, we added language by Senator KOHL of Wisconsin to

create protections against foreclosure scams, and we reduced paperwork burdens on certain small public housing authorities, thanks to the amendment by Senator SUNUNU.

This legislation includes \$3.9 billion in emergency community development block grant funds. This is a controversial provision. I know some Members have raised concerns about it. I think all of us recognize that when we talk about a national crisis, with problems of foreclosures having a devastating effect in our States, obviously, resources locally, with property taxes declining for police and fire, and the like, our mayors and county officers are finding themselves further hard-strapped to meet their obligations. We thought an infusion of community development block grant money, targeted specifically to those communities that face high foreclosure rates, would be of benefit to them to help them rehabilitate their communities and the foreclosed homes and get them back on the market. This is still in the bill.

I have been warned by Members of the other body that this provision will have to come out. I know some Members want to strike it. It is going to stay in the bill that is going to the other body. They object to it because they don't have a pay-for in it, and we do here. We call it emergency funding, as we do when we have hurricanes or other natural disasters occurring. This is similar to a natural disaster. If you are one of those 250,000 families who, in the month of June, lost their homes—whether by flood or by hurricane, believe me, it is a disaster. They lost it because they got lured into deals they could not afford or because there was a scam or deceptive practices going on. Don't try to tell that family they have not faced a disaster. It is not a natural one, but nonetheless it is a disaster. The idea that we cannot provide additional funding to mayors and county executives to help out communities is something I am troubled by. It may come out of the bill when it comes back. I urge them to look hard at this and try to find a funding source.

I ask unanimous consent for an additional 5 or 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Mr. President, I am going to object, and I will explain why. We have a committee hearing we are working through this vote, and so I do object.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. DODD. I will yield that time to my colleague from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I thank the Senator from Connecticut for his leadership. I rise to express my disappointment that it appears that the managers' package is being blocked by one or two of my friends on the

other side of the aisle. This package includes, among other important provisions, my amendment, offered by family and children organizations across the country, to help children who are the silent victims of the housing crisis.

My amendment authorizes \$30 million in additional funding into the existing McKinney-Vento Homeless Education Program to support children directly impacted by foreclosures. There are about 2 million children in this country, including 50,000 in New Jersey and over half a million Latino children nationwide, who will be directly impacted by the foreclosure crisis, placing them at risk of poor school performance, behavior problems, and other challenges as well.

While we provide lower interest rates supporting the homebuilding industry and reform mortgage lending practices, several children's organizations and educational organizations have asked for this amendment as a modest way that our Nation can support the nearly 2 million children who are suffering the consequences of decisions made completely outside their control.

The foreclosure crisis is damaging our economy. Let us not forget that the children who have no say, no ability to make a difference in their lives, are the real victims of this crisis and, even worse, they are the silent victims. It is not fair these children get lost in the paperwork or in the politics of one Member, and they deserve our full support.

This amendment was being cosponsored by several colleagues. We worked with Senator ENZI, who had original jurisdiction, along with Senator KENNEDY, to get the language right. We appreciate Senator SHELBY having it in the managers' package. If that cannot move forward, these children will be left unprotected. That is a disgrace.

The ACTING PRESIDENT pro tempore. All time has expired.

The clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to disagree to the amendments of the House, adding a new title and inserting a new section, to the amendment of the Senate to H.R. 3221, the Foreclosure Prevention Act.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to disagree to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts

(Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 12, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—84

Akaka	Durbin	Murkowski
Alexander	Feingold	Murray
Allard	Feinstein	Nelson (FL)
Baucus	Graham	Nelson (NE)
Bayh	Grassley	Pryor
Bennett	Gregg	Reed
Biden	Hagel	Reid
Bingaman	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brown	Hutchison	Salazar
Brownback	Inouye	Sanders
Burr	Isakson	Schumer
Byrd	Johnson	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Stevens
Coleman	Levin	Sununu
Collins	Lieberman	Tester
Conrad	Lincoln	Thune
Corker	Lugar	Voynovich
Craig	Martinez	Warner
Dodd	McCaskey	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wicker
Dorgan	Mikulski	Wyden

NAYS—12

Barrasso	Cornyn	Enzi
Bond	Crapo	Inhofe
Bunning	DeMint	Kyl
Coburn	Ensign	Vitter

NOT VOTING—4

Clinton	McCain
Kennedy	Obama

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on the motion to disagree to the two remaining House amendments, the motion offered by the majority leader to concur with an amendment to the first such House amendment falls.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under an order entered yesterday with respect to Executive Calendar Nos. 665 and 666, I now ask unanimous consent that upon conclusion of the cloture vote with respect to the House message to accompany H.R. 3221, regardless of the outcome, the Senate proceed to executive session to consider the nominations and limitations of the previous order; further, that upon conclusion of the debate or yielding back of time on the nominations, the nominations be set aside until 2 p.m. today, at which time the Senate then proceed to vote on confirmation, as specified in the previous order.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, for the information of all Senators, I have been advised by Senators DODD and SHELBY that they likely will be able to finish their work on the housing bill today.

We have also pending a cloture vote tomorrow morning on the PEPFAR bill. I have had a conversation with the Republican assistant leader and we kind of know where we are on this issue. We could, with consent, move that vote up today or do it in the morning. Whatever, we on this side would be satisfied to do it today.

I have had a conversation with Senator BIDEN, who has helped a great deal on this piece of legislation, and he said he was going to confer with Senator LUGAR to see if the last kinks can be worked out. Frankly, that is doubtful. So we can either have that cloture vote in the morning or this afternoon, and we await the word of the minority as to what they wish to do on that issue.

EXECUTIVE SESSION

NOMINATIONS OF GENERAL DAVID H. PETRAEUS AND LIEUTENANT GENERAL RAYMOND T. ODIERNO TO BE GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Gen. David H. Petraeus and Lt. Gen. Raymond T. Odierno, Department of the Army, to be general.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, we have these two nominations before us. I understand the vote on the two nominations will take place at 2 p.m. or thereabouts.

The Senate Armed Services Committee unanimously approved the nomination of General Petraeus for reappointment to the grade of general and to be commander of the U.S. Central Command, and also the nomination of LTG Raymond Odierno for appointment to the grade of general to be commander of the Multinational Force Iraq. The confirmation of these nominations will provide a continuity of senior military leadership for the region and for Operation Iraqi Freedom. This continuity in U.S. military leadership will be helpful in working with regional and Iraqi political and military leaders.

General Petraeus brings a large amount of experience and leadership to the position of CENTCOM commander. He has served over 30 years in the military, including 3 tours of duty in Iraq, first as commander of the 101st Airborne Division, then as commander of the Multinational Security Transition Command Iraq, and since February of 2007, as commander of the Multi-

national Force Iraq. As the Multinational Force Iraq commander, General Petraeus has led a shift in tactics in Iraq, helping to calm, hopefully permanently, very violent sectarian conflict.

If confirmed as CENTCOM commander, General Petraeus would continue to oversee the U.S. troops in Iraq, drawing on his knowledge of the situation on the ground and his working relationships with Iraqi political and military leaders. He would also be responsible for addressing an increasingly violent insurgency in Afghanistan and other important national security interests throughout the CENTCOM region.

General Odierno is well qualified for his new duties, with 32 years of uniformed service, including 2 tours in Iraq, first as commander of the 4th Infantry Division, and until recently as commander, Multinational Corps Iraq, in which he worked directly under the command of General Petraeus. He has assisted the change in operational approach in Iraq toward counterinsurgency. He understands that Iraqis must achieve political reconciliation to unite their country and to provide more effective governance for Iraq. He understands the importance of and is committed to increasing the Iraqi security forces technical capability, professionalism, evenhandedness, and full integration so they can eventually assume total and effective responsibility for their own nation's stability. He understands the recent gains in reducing violence, controlling militias, and rejection of al-Qaida must be supported and expanded by an Iraqi Government which grows more capable and is more attuned to meeting the needs of the Iraqi people. And most importantly, General Odierno understands the necessity for Iraqi political leaders to take responsibility for their own country—to take responsibility politically, economically, and militarily.

So our country, I believe, is indebted to the service of General Petraeus and General Odierno for their willingness to continue that service, and we are also indebted to their families for the sacrifices those families endure when their two loved ones spend so much time in such difficult areas.

I urge my colleagues to support these two nominations.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I wish to inform the chairman that I shall speak myself, and Senators SESSIONS, CHAMBLISS, and GRAHAM also hope to be recognized. I have inquired at the desk, and there is some flexibility in our time here this morning, and we will go from one side to the other if Senator LEVIN has colleagues who are going to speak.

Mr. LEVIN. Mr. President, on that point, what is the time situation?

The PRESIDING OFFICER. Under the order, there is 20 minutes equally divided.

Mr. LEVIN. And how much time did I use?

The PRESIDING OFFICER. The majority side has 6 minutes 34 seconds, and the Republican side has 9 minutes 24 seconds.

Mr. LEVIN. Mr. President, I reserve the remainder of my time. I have no objection to Senator WARNER's yielding to the Senators he has identified, or other Senators speaking beyond that 9 minutes, or whatever time he has. But I will have to reserve the remainder of my time, because I think there may be speakers on my side who may oppose the nominations, and I want to protect them if they do. So I ask that same courtesy then be agreed to by the good Senator from Virginia, if there is additional time needed on our side for speakers.

Mr. WARNER. Mr. President, subject to my leadership, I will certainly recommend that be done.

Mr. President, very simply, two of America's finest sons are before this body with the very important responsibility entrusted by the Founding Fathers as they wrote the Constitution of the United States; namely, that the Senate shall give advice and consent. I have had the privilege through my lifetime to be associated with many senior officers of all branches of our military. I say unreservedly, these are two of the most extraordinary that I have been privileged to know and work with in my long career.

On many trips to Afghanistan and to Iraq with the distinguished chairman of the committee—we so often travel together—on a number of those occasions we worked directly with General Petraeus and General Odierno. Therefore, they both have my strongest endorsement, and I congratulate them individually and I also congratulate their families. These are two fine officers, and their families have participated in their careers and backed them. If you look at the length of service that each has had in four deployed regions, most specifically Iraq, it has been a very extensive period of time, and the consequences on the family are often difficult to bear. But the families have stood by these fine officers through these long deployments.

Both nominees have had extraordinary experience, and therefore I anticipate we will have a very positive confirmation by the Senate. They are highly experienced, indeed specifically trained. I sort of edited that word into my remarks because they have served a number of times in Iraq and moved up to higher responsibilities—in the case of General Odierno, and in General Petraeus, he takes on responsibility for the entire region. But he is magnificently trained to do so.

Further, as we approach, again, our constitutional system by which we change Presidents, there is a continuity that these two officers offer by virtue of serving in these positions, if it is the will of the next President. That is invaluable in this region. That

is because, as the distinguished occupant of the chair and many others know, the cultural situation in this part of the world is a very challenging one to fully understand and appreciate; to see that our Armed Forces act with them, work with them in such a way as to achieve the goals but at the same time protect our Armed Forces.

I say “with” because the nations of Iraq and Afghanistan are now sovereign nations. As such, we are there by consent of that sovereignty to work with their forces.

I also add that I don't know that I have ever experienced a dimension in contemporary times where the professional officers have had to work so very closely with other members of the executive branch, notably the National Security Council and the Department of State, working hand in hand.

The current Ambassador in Iraq, Ambassador Crocker, is well known in the Senate, and I believe extremely admired and respected for the services he has rendered. He has been a partner with General Petraeus in working through their individual responsibilities, coming before the Congress jointly to make their reports. They know the region, they know the background, and they are fully qualified to undertake these responsibilities.

At this point, I would like to yield the floor to my other colleagues. I may have a few closing remarks.

I see the distinguished Senator from Georgia, a member of the Senate Armed Services Committee.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, Senator WARNER, Chairman LEVIN, thanks for getting these nominations up in short order.

I rise to speak in favor of the nominations of GEN David Petraeus to be Commander, United States Central Command, and LTG Raymond Odierno to be General and Commander, Multi-National Forces—Iraq.

Over the past few years under the leadership of these two men we have seen vast improvements in the conditions on the ground in Iraq, the quality and number of the Iraqi security forces, and increasing ownership of the political process and issues facing their country by the Iraqi government and the Iraqi people. These accomplishments are due to the efforts of our young men and women in uniform who have sacrificed to defend our values and build democracy in Iraq. General Petraeus and General Odierno have led these men and women and they have done so ably, wisely, and with integrity and professionalism. They are without question the right men for the jobs for which they have been nominated.

Our young soldiers, sailors, airmen, and marines in Iraq and Afghanistan have had the opportunity to be led by some of the greatest military leadership we have witnessed in our era. General Petraeus and General Odierno embody our military values and leader-

ship principles in the tradition of great military leaders who have come before them. These two combat veterans, who between them have served our Nation in uniform for over 60 years, have demonstrated that they have the skills and commitment to carry out and complete our mission in Iraq and safeguard our 150,000 servicemembers in Iraq.

With the right leadership—which these two generals can provide—Iraq will continue to benefit from the implementation of our current military and security strategy. I feel honored to have witnessed the efforts of these two soldiers and am certain that their leadership will continue to successfully guide our efforts in Iraq.

I have had the opportunity to visit one on one with both General Petraeus and Lieutenant General Odierno on the multiple trips I made to Iraq. I often refer to David Petraeus as being the best soldier that the U.S. Army has today. General Odierno is right there with him. They have the greatest men and women serving under them. Without their outstanding leadership, certainly we would not have been able to accomplish what we have in Iraq over the past year and a half.

The first time I saw David Petraeus in action in Iraq was while training Iraqi security forces. He did a great job correlating the efforts of the Iraqi military on the ground with the security forces. He had a way of directing the Iraqi military commanders in a way that was extremely unusual, very positive, and very professional.

Today, what we are seeing as a result of the efforts of David Petraeus is an Iraqi military that is growing stronger, more confident and in the short term, is going to be in a much better position than certainly they are even today of protecting the citizens of Iraq from external sources. They will also help the security forces provide domestic security for Iraqi citizens.

General Odierno has made great sacrifices by being away from his family for so long. He just returned from Iraq. Now we are asking him—and he has graciously committed, once again, for the benefit of service to our country—to return to Iraq to be in the position of commander on the ground. He is truly a great individual and certainly his record in the military speaks for itself.

Both of these men deserve our utmost respect and certainly a strong vote in this body confirming their positions.

In closing, let me say a commitment to the military is a family commitment. Both General Petraeus and General Odierno have made great sacrifices being away from their families for extended periods of time—not just while they have been serving our country in Iraq and Afghanistan but certainly previous to that time also. I do know they have been away from home for an extended period of time. Without the great support of their families they would not have been as successful as

they have. I salute their families as well as saluting them both.

I urge this body to give a strong and resounding vote in favor of these two men for the positions for which they have respectively been nominated.

I yield the floor.

Mr. WARNER. I thank the Senator from Georgia. He is a strong voice on the Senate Armed Services Committee. His views with regard to the qualifications of these two officers with whom he has worked over these many years are of great value to the Senate.

Mr. President, I see the presence on the floor of our distinguished colleague, another member of the committee, Senator SESSIONS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator WARNER. I would share a few thoughts. You might ask why is it that generals throughout our history, particularly successful generals, have been as popular as they have been? I think it is because they are called upon to lead our soldiers in a life-and-death struggle. And at given times in history, some people's talents and gifts and understanding of the nature of the combat are such that they can bring us to success with the least possible cost and the least number of lives lost. I believe—not that other generals are not as good or as decent people—but at certain times certain people have those capabilities.

In General Petraeus we are fortunate to have one of our finest commanders. We are particularly fortunate that his gifts and graces and talents are such that they are perfectly suited to the type of combat in which we have been involved. He was a commander of the 101st Airborne. He is a warrior. He knows the nature of combat. He is a sensitive and decent person, but he understands the nature of combat and the importance of victory. He knows how to impose a cost on an enemy and minimize the losses to the American side. I think we are lucky to have him.

He finished at the top of his class at West Point, one of their outstanding graduates. He was No. 1 in his class at the Army's Command and General Staff College. He has a Ph.D. from Princeton University in international relations. He has taught that subject as well.

When I first met him he was in Iraq. The 101st had taken Mosul in the north. He had a superb grasp of the situation. He was reaching out to reconcile the disparate groups. He introduced me to the town council. One member was a Kurd and one was a Christian and one was a Sunni and one was a Shia. It was an effort that he understood was important: to reconcile the differences there. After his departure, things did not go as well as when he was there.

The second time I met him in Iraq was when he was in charge of training the local Iraqi police and military.

President Bush had asked him to go back and do that important task. It was a critically important task, the President believed, and General Petraeus was one of the most talented people we had, so he was asked to go back. He worked in that capacity for a year.

He came home and then wrote the counterinsurgency manual for the Department of Defense. This thick manual is a doctrinal statement on how to confront and defeat an insurgency, a very important skill at this time in history. The ink was hardly dry on that document when President Bush and the Secretary of Defense asked him to go back to Iraq and command our forces.

So in February of 2007 we confirmed him by an overwhelming vote to go back and lead our forces in Iraq. During that time the surge was debated, and the Congress overwhelmingly, in a bipartisan way, confirmed General Petraeus to go to Iraq. And later in May we voted to fund that surge. The phrase often used was: to give General Petraeus a chance. We wanted to give him a chance to employ new tactics and more classic counterinsurgency doctrine, in which he was an expert. As a man who had already spent 2 years in Iraq, he was already closely attuned to all of the difficulties in that country. He went back and had extraordinary success.

General Odierno has also been there all along, and played an instrumental role in the U.S. military's success. I had the opportunity to visit with him twice in Iraq, an extremely important man. In the *Weekly Standard*, Frederick Kagan and Kimberly Kagan, very astute observers of the scene in Iraq, referred to General Odierno, as: "The Patton of Counterinsurgency." They said:

With a sequence of brilliant offenses, Raymond Odierno adopted the Petraeus Doctrine into a successful operational art.

So we are lucky to have a good team here. The Kagans refer to generals coming in pairs. They noted: Eisenhower and Patton, Grant and Sherman, Napoleon and Davout, Marlborough and Eugene, Caesar and Labienus. Well, I do not know why he did not mention Lee and Jackson in that group. But generals do often come in pairs, and this pair is unique.

Now General Petraeus will be moving up to command the Central Command. Of course his most critical areas are Iraq and Afghanistan. General Odierno will be replacing General Petraeus, and I believe we could not have a better circumstance from a command point of view. I could not be happier with the team we have there. I will note that this May, under their leadership, we saw the fewest U.S. deaths of any month since the war began, and July is currently on pace to see even fewer. Remarkable progress has happened. We should confirm these people and be most thankful that we have them as leaders.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Alabama, a member of the committee. He is a very strong voice. I only add to your observations, which are very accurate about the situation in Iraq, we all share a concern about the worsening situation in Afghanistan, and that will become General Petraeus's top responsibility. We are fortunate that he is eminently qualified and has studied the culture of the region, having understood the complexity, the geopolitical situation with regard to Pakistan and Iran. He is eminently qualified to step in and be the commander of those forces in that region.

Mr. SESSIONS. I agree. I note he has a Ph.D. from Princeton in international relations. He has taught that. So you are right. He has the combat experience as well as the geopolitical expertise.

Mr. WARNER. But his boots are on the ground now, not writing dissertations.

Mr. President, I see our distinguished colleague from South Carolina.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I wish to thank Senator LEVIN and the committee for moving these names forward so we can get these two fine men into new jobs. The committee worked very decisively and quickly, and we are going to have a vote here soon. I hope we can get as close to 100 as possible.

My observation about these two officers is very similar to what Senator SESSIONS said. But having met them and spent some time with them in theater, and I got to know them pretty well, I need to say something on their behalf, that they could have not done this without the people under their command.

I have spent a lot of time in Iraq, like many Members here. The soldiers, sailors, airmen, marines, members of the Coast Guard, every civilian force, have performed magnificently. General Petraeus came up with a new strategy. Quite frankly, before he came along we were losing.

You can talk about Iraq in any terms you want to, political or otherwise. But it was my view that the situation on the ground in Iraq, before this new strategy, was going to result in losing, that we were losing ground against the insurgency and that General Petraeus and General Odierno came up with a new way of doing business, getting the troops out into the field, the joint security stations, where our soldiers would live with the Iraqi police and the army.

This has transformed the Iraqi Army, and the police are getting better. You see this in Basra, you see this in Mosul where the capacity of the Iraqi Army is a lot better than it was the last year in terms of the capability and numbers. It was a direct result of changing strategy, getting out from behind the walls, taking the fight to the enemy. The

Anbar Province strategy, with the Sunnis, the Shiaas turning on al-Qaida, was the defining moment in this war. When General Petraeus came up with a strategy to try to get the Sunni population to break away from al-Qaida by providing better security, that turned the tide in Anbar.

The political progress we have seen with 15 of the 18 benchmarks being met by the Maliki government is a direct result of Ambassador Crocker and General Petraeus sitting down with the Iraqi leadership and doing a lot of hand holding.

The military side of this is important, but I hope the members of the body will appreciate how sophisticated General Petraeus, General Odierno, and Ambassador Crocker have been when it comes to the economic and political aspects of this. They have put money into projects that changed the quality of life in Iraq, that got people more emboldened to join with the Government. They pushed the Sunnis, the Shiaas, and the Kurds to reach political compromise.

These are two of the most talented politicians I have ever met, even though they are in uniform. They are American commanders who were dealt a tough hand. And the politics of Iraq they understood as well, I believe, as the counterinsurgency problems the military faced. What they have brought to the table will go down in history as the most successful counterinsurgency operation in the history of warfare. I have worked on judicial issues. They provided security to the judges, additional capacity in the rule of law area. General Petraeus told me early on: The population has to believe in the law, because if they do not believe in the Government and the law, they will go to militias.

So we celebrate the success of these two men. But on their behalf, I wish to thank all of those who served under them, because they are the ones who made it happen, along with great leadership. We are winning now. We have not won yet, but the difference in Iraq before and after is stunning. It is for all of us to see—progress politically, economically and militarily. I look forward to promoting these two fine officers. Hats off to them and all those who serve in Iraq.

Mr. WARNER. Mr. President, I thank our colleague from South Carolina. He is too modest to say it, but I think he has logged as many trips into that region as any of us here, very often in the company of Senator MCCAIN, who likewise has strong support for both of these officers. I thank the Senator for his work and his important contribution to the debate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—CONTINUED

The PRESIDING OFFICER. The Senator from Louisiana.

ROAD HOME TAX

Ms. LANDRIEU. I thank the Senator from Virginia for his comments on the pending nominations.

But I wanted to take a moment to speak about the housing bill that passed. It was a very significant piece of legislation. On behalf of the people of Louisiana, I wanted to come to the floor to specifically thank Senator DODD for his extraordinary leadership and tenacity in getting this bill through the floor of the Senate. It has been stuck for weeks. He got it unstuck this morning and passed it, and it has significant relief for homeowners throughout America, to help us stem the foreclosure rate, to stem the tide of economic downturn in many counties throughout our country. But for Louisiana, it has some very special relief. Part of that bill was actually crafted by Senator BAUCUS and Senator GRASSLEY as chair and ranking member of the Finance Committee, and there was a big piece of that in this housing bill. In that Finance piece was a tax relief provision that is, in my view, central, crucial, and vital to the recovery, ongoing recovery of South Louisiana and the gulf coast.

We added this language to the Foreclosure Prevention Act back in April, where it passed the Senate on a 74-5 vote and I am pleased to see that the combined housing package preserves this critical assistance.

In short, the legislation ensures that hurricane survivors are treated both fairly and with dignity as they struggle to rebuild their lives.

As you know, when these storms, Katrina and Rita, hit, now 3 years ago, they were unprecedented in the size and scope of the destruction. This country has not seen anything like it in well over 100 years, and hopefully we will not see anything like it for another 200 or 300 years. When we went to the Federal toolbox, if you will, to see what tools were available to help the 250,000 homeowners who lost their homes, many did not have insurance because their homes were paid for, or they were not in the flood plain. They lost everything, their homes, their business, their place of worship, the schools their children went to. So when we went to the toolbox, there were not adequate tools to help them. We have been crafting those tools slowly. It has been agonizing for people who are waiting for us to give them a hand.

Many of these taxpaying, hard-working citizens are not asking for charity; they are asking for a chance to get their business back, get their feet back underneath them.

As you know, I am sure it is this way in Virginia. Most middle-class and upwardly mobile families have most of their net worth tied up in their home.

So when their home is considered destroyed and the contents as well, it impacts the financial stability of that family.

That is why I have stayed focused on homes, on home rebuilding, and on small businesses, because it is the backbone of our recovery. I am proud to say that in this bill, we were able to deliver \$1 billion of relief, literally \$1 billion of relief to homeowners who you could argue deserve more help than almost any group of homeowners in America.

Again, these homeowners are suffering kind of a double whammy. Not only did they go through Katrina and Rita, but they are also now in an atmosphere of a slow real estate market; in some places a market that is spiraling downward because of the atmosphere of the country and the economy; although actually at home our economy relative to the country is doing pretty well.

This underlying bill provides relief to homeowners along the gulf coast who had their homes destroyed after Hurricanes Katrina, Rita, and Wilma. In 2005, thousands of people along the gulf coast took casualty loss deductions on their tax returns due to damage that their properties sustained from the hurricanes.

In 2007, many of the same people began to receive payments to cover uninsured losses to their property under Louisiana's Road Home program, Mississippi's Housing Assistance program and similar programs in Florida and in Texas.

The IRS has concluded, however, that individuals who took the casualty loss deduction in 2005 and subsequently received a grant payment must add the value of the casualty loss deduction their 2007 income.

This decision not only increases the amount of taxable income but also: increases an individual's tax rate by bumping them into a higher tax bracket; subjects certain taxpayers to the Alternative Minimum Tax; phases out deductions; subjects an individual's Social Security benefits to additional taxation; and makes a taxpayer ineligible for Federal student loan aid.

So this relief was absolutely essential. Take the example of two very similar families—the Jones and the Smiths. Both earn \$75,000 a year and both had homes that suffered substantial damage in Hurricane Rita. Both of the families received a road home grant of \$75,000 in 2007 to cover uninsured losses to their homes. So at this point, they are exactly the same.

In 2005, however, the Smiths took a \$75,000 casualty loss deduction which entitled them to a refund of about \$7,000.

According to the IRS, the Smith family had to add the value of their 2005 casualty loss deduction, totaling \$75,000, to their 2007 income. So what is the result of this?

The Smith family had to pay \$25,000 in taxes while the Jones family will

have to pay about \$7,000 in taxes. That is over a 350-percent increase in taxes. Not only did the Smith's amount of taxable income increase, but they were bumped into a higher tax bracket so their rate of taxable income increased.

So what does this bill do? This bill would permit taxpayers to amend their 2005 tax returns to reduce or eliminate their casualty loss deductions. By eliminating or reducing their casualty loss deduction, they will not have to pay taxes on their road home grants. A current IRS regulation forbids individuals from amending their returns under this circumstance.

So what effect would the bill have upon the Smith family. At the outset, they will not have over a 350 percent increase in their taxes. They will, however, have to pay back their refund they got in 2005, which would be about \$7,000 in addition to their normal taxes.

So by no means does this bill allow a free ride or any sort of "double dipping." They still have to undo their casualty loss, but they will not be providing the IRS a windfall in taxes.

Finally, behind the numbers, it is important to remember that these are real people who have undergone a traumatic event, having their homes destroyed.

The Smith family, before Senator GRASSLEY and Senator BAUCUS came to their aid, would have had to pay over \$24,000 in taxes. These families literally are struggling to pay their electric bill, their utility bills, trying to pay double mortgages, rent and a mortgage on a house trying to keep their house together. They could not have possibly come up with \$25,000. That is what we have corrected it.

I thank this Senate for sending special care and attention to a group, hundreds of thousands of homeowners. It is not millions, it not tens of millions, but it is hundreds of thousands of homeowners along the gulf coast who would truly benefit immediately and correctly. This money will go into their pocket and hopefully they will be spending it on their new home or their new apartment or using it to pay back bills they had to charge to their credit cards to literally survive these last several years.

This bill also extends an important provision to spur investment in residential and commercial property along the gulf coast. In response to Katrina and Rita, Congress enacted legislation that would permit bonus depreciation on new buildings.

In order to take advantage of the bonus depreciation, investors needed to start construction on the property by December 31, 2007, and have the property placed into service by December 31, 2008, for lesser damaged counties and parishes and by December 31, 2010, for the most damaged counties and parishes.

However, replacing the basic infrastructure needed to begin this construction has been slow and difficult. New environmental standards, building

codes, and the high price of insurance and labor have delayed new construction. Many projects are planned, but these delays have resulted in few actual construction starts.

This bill would simply remove the commencement date to ensure that the gulf coast can sustain and strengthen its recovery in the housing and commercial sectors. It does not change the completion date. By doing so, we can continue to build new residential and commercial properties that are necessary to our recovery.

I know this overall bill contains many critical parts to address our Nation's housing troubles but I thought that it was important to personalize how this bill will help thousands of people struggling to rebuild on the gulf coast.

I am very proud of the Senate. I do believe we should give tax relief when it makes sense. This most certainly makes sense. And \$1 billion is a lot of money. I know we are struggling to balance our budget, but I think this was a very worthy expenditure. I thank Senator DODD again, thank Senator GRASSLEY and Senator BAUCUS particularly for remembering the families on the gulf coast and for helping them to achieve substantial tax savings by the passage of this bill. It will go a long way, with the other provisions in this bill, to help our recovery that is underway in the Gulf of Mexico.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALIFORNIA FIRES

Mrs. BOXER. Madam President, I rise today to express my deep gratitude to the men and women who are fighting the wildfires now raging in my magnificent State of California. Over the last month, a swarm of dry lightning storms sparked more than 1,800 fires across drought-ridden land in California.

Governor Schwarzenegger and President Bush have declared a state of emergency in 11 counties and crews are still working to bring under control over 300 fires burning across more than 600,000 acres of public and private land. Three hundred fires, and it is early July, and we do not get rain usually until November.

In the fight against these fires, support has come from all quarters, including the National Guards of 11 States. I say to my colleagues all: Thank you for your contribution. Help has come from the U.S. Marine Corps, the Navy, even from NASA.

I give special thanks to the more than 18,000—18,000—local, State, and Federal firefighters who have put their

lives on the line over the last several weeks and continue to do so to fight these fires and protect our communities.

The people of California owe a tremendous debt of gratitude to the brave men and women of CalFire and the U.S. Forest Service as well as the California National Guard and all of the local fire departments who have gone above and beyond the call of duty in fighting these fires.

Your courage and swift action during this recent series of firestorms have truly been heroic. You have risked your health and your well-being for the benefit of our people, of our communities, and we are all grateful. You are the heroes.

Some 233 firefighter injuries have been reported in the past few weeks—233 firefighter injuries—and that is a testament to the great personal risk these men and women undertake every day. These fires are unpredictable. The winds are unpredictable, and the danger shifts at a moment's notice.

I am sad to report that these fires have claimed the life of one of our firefighters. Robert Roland, who had been with the Anderson Valley Volunteer Fire Department in Mendocino County for only 3 months, passed away on July 3, 2008, battling wildfires near the town of Philo. He was 63 years old—a volunteer firefighter.

One of America's greatest strengths is its spirit of voluntarism, and nowhere is that spirit more evident than in the tradition of volunteer firefighting.

We mourn his loss, and we remember and give thanks for his selfless efforts and those of all the firefighters—volunteer and professional—who put their lives on the line throughout California.

The scale of these fires so early in the year is a stark reminder that we cannot afford to shortchange our fire preparedness. Being prepared means making sure adequate resources are available to fight and prevent fires. That is why I have consistently fought against the proposed cuts to the Assistance to Firefighters Program. This program provides Federal grants for equipment and training to local fire departments and emergency medical services organizations. I do not think you need to look farther than the efforts being undertaken to save lives and protect communities right now in California to understand that those proposed cuts are wrongheaded.

Preparedness is about more than funding. It also means making sure we have a fully staffed firefighting force on our public lands.

I am concerned about the reports of inadequate staffing in our national forests in California. Earlier this year, I called on the U.S. Forest Service to resolve the pay disparities and retention issues that have prevented them from recruiting and keeping qualified Federal firefighters in California.

We also need to support the State and local efforts in order to manage

the risk posed by wildfires. One of the keys to preparedness is hazardous fuel reduction. Local communities and State agencies that do their part to remove hazardous fuel on local and State lands should not be left at risk for fires because inadequate funds limit hazardous fuel reduction on Federal lands.

The Federal Government must be a good partner in not only fighting the wildfires but in preventing them. That is why I have urged that we include \$910 million for U.S. Forest Service and Interior Department firefighting and fire prevention efforts—including efforts such as hazardous fuel reduction—in the legislation that Congress is expected to take up this session to address critical domestic priorities.

The unprecedented onset of the fire season in California is an important reminder that we cannot afford to continue reducing the resources available for disaster preparedness and expect emergency responders to still be able to effectively protect our communities.

They are exhausted. They are working overtime and more. I want to read from a letter I am sending today to President Bush. I wrote this letter after speaking at length with my Governor, Governor Schwarzenegger:

With over 300 fires still actively burning in California, I am writing to request that you immediately allocate additional resources to assist with ongoing firefighting efforts throughout my state. Governor Schwarzenegger has informed me that an additional 41 helicopters, 302 hand crews, 616 fire engines, and 773 support personnel are urgently needed to help the thousands of Federal, State, local, and volunteer fire fighters who are working so hard to protect our communities from these dangerous fires.

Governor Schwarzenegger also informed me he plans to call up as many as 2,000 more members of the National Guard in addition to the over one thousand members that are currently supporting fire fighting activities. In order to ensure that our National Guard is ready for this mission, I request that the Administration make available out-of-State Federal firefighters to help train National Guard members for fire fighting duties. Active fire crews are currently being taken away from the front lines of fires to train National Guard members, but if Federal personnel were on scene to help train new arrivals, our crews could continue to fight active fires.

I might say what is happening is we are taking firefighters off the line to train the National Guard because they need to be extensively trained in firefighting, and we need to get those firefighters back on the line. So if we could have some Federal firefighters sent in, we would be able to keep these firefighters on the line.

The Governor has also informed me that he requested the U.S. Forest Service's Maximum Efficiency Level be increased to 100 percent for the current fire season in California. This will allow Federal incident commanders to make tactical firefighting decisions as needed to protect lives and homes without having to receive prior approval from the Office of Management and Budget. I strongly support his request and urge you to grant it immediately.

This unprecedented start to the fire season in California has put incredible stress on the

State's resources and on the brave men and women fighting these fires. While the support provided by the Administration has been very helpful thus far, the severity of the ongoing fires and the strong potential for more fires indicates an urgent need for additional resources and support.

The residents of California need the Administration's continued assistance and cooperation in protecting their lives and property.

Madam President, this is one Nation under God, and we know that, and we say it when we pledge allegiance every day here.

The fact is, we need to come to the aid of our citizens, whether it is in the devastating floods in Iowa or it is Hurricane Katrina or it is the fire that I well remember in North Dakota or what is happening today in California.

We must work together. I want to say right now that I will be making a call to the head of Homeland Security, Mr. Chertoff. I hope he has heard my words. I hope he has received a copy of my letter. We are going to need this help quickly. We expect—and this is right from my Governor—about a 5-month problem here. This is not going to be a momentary problem. We need a long-term commitment from everyone in order to save lives and save property and allow our firefighters a little bit of rest, because when they are exhausted, their lives are put in danger, and we cannot have that.

I thank you very much for the time, Madam President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you, Madam President.

THE ECONOMY

Madam President, I come to the floor after reading something I find very shocking. This is evidently in an interview with the Washington Times, referred to today by Jonathan Weisman. It has this quote. Former Senator Phil Gramm, a top policy adviser of Senator JOHN MCCAIN's, said the Nation is in a "mental recession," not an actual one, and suggested the United States has "become a nation of whiners."

Senator MCCAIN is in my State of Michigan at this moment today. I certainly want to go on record here on the floor of the Senate to say that the people of Michigan are not whiners. The people of this country, who have seen their jobs slip away—over 325,000 jobs since January, good-paying American jobs—are not whiners. People have seen gas prices going up and up and oil prices doubling over the last 10 months. This is not a nation of whiners. We are seeing food costs go up, health care costs go up, gas prices go up, everything in people's lives going up. Every middle-class family, every family in America is struggling while they see their wages go down, if they have a job at all. This is not a nation

of whiners; this is a nation of tough people trying to survive, Americans who believe in this country, who believe in the American dream, who are fighting to keep their way of life in this country today.

Mrs. BOXER. Madam President, will my friend yield for a question?

Ms. STABENOW. I will be happy to.

Mrs. BOXER. I am just stunned that Phil Gramm, who is a top adviser to Senator MCCAIN—would you repeat exactly what he said?

Ms. STABENOW. Yes. I would be happy to. He said the Nation is in a mental recession, not an actual one, and suggested that the United States has become a nation of whiners.

Mrs. BOXER. Let me get this straight. Senator MCCAIN's top adviser—one of his top advisers on the economy—says we are in a mental recession, there is no actual recession, and we are whining about it.

Ms. STABENOW. Right, absolutely.

Mrs. BOXER. Let me ask my friend, what does she hear in her State about gas prices from her constituents?

Ms. STABENOW. Madam President, I thank my friend from California, who comes to the floor and fights every day on behalf of middle-class Americans and people struggling to make it. We in Michigan have the highest unemployment rate in the country—8.5 percent as of the last numbers. So people are losing their jobs.

Mrs. BOXER. Is that mental? Do they just think they are unemployed but they are really employed? What is he talking about?

Ms. STABENOW. The Senator from California is absolutely right. The fact is that folks who are losing their jobs or who are seeing their wages cut in half are seeing gas prices go up and up and up.

We have had two oilmen in the White House for 8 years, and we have had now the highest gas prices we have ever had to pay while they protect oil profits, oil company profits over and over again. This is not an accident, what has happened here. I think it is almost too obvious. We have two oilmen in the White House, and we are in the situation we are today, with families struggling to get to work, to get the children to childcare, maybe to go on a vacation, who can't hold things together, and they are looking around, saying: What in the world is happening? Now, we are hearing from a top adviser of someone who wants to be the next President that this is a mental recession and that we are whiners.

Mrs. BOXER. Will my friend continue to yield?

Ms. STABENOW. I am happy to.

Mrs. BOXER. I didn't expect to stay here and engage my friend, the Senator from Michigan, but when she read this—I know what her State is going through, and I have to say that California is suffering as well. If it were not for the fact that we have seen companies invest in alternative energy, and that is taking some of the jobs—

and thank goodness—away from a crumbling housing industry, we would be in worse shape. We are not in good shape in California. We have real problems.

My friend from Michigan makes a good point. Two men in the White House—and I remember when George Bush was running in the beginning and saying: Well, put two oilmen in the White House, and we will see how we will deal with gas prices. Well, we have seen.

Is my friend aware that since George Bush and DICK CHENEY—two oilmen—took over the White House, we have seen about a 255-percent increase in the cost of gas per gallon? Is my friend aware of that?

Ms. STABENOW. I am aware of that. It is outrageous. It is so stunning that this would be happening and be so obvious in terms of allegiance.

Mrs. BOXER. Let me ask one more question, and then I will leave her to the rest of her remarks. I know she has some thoughts she needs to share. As Phil Gramm, the economic adviser to JOHN MCCAIN, says that Americans are whining, we all know that the middle class is suffering, as the Senator from Michigan said, not just from gas prices but as a result of food prices, health care prices, credit card rates. There is a middle-class squeeze going on that is hitting our people very hard, and they are falling behind by thousands of dollars a year because of increased prices. Now, Phil Gramm, he doesn't feel the pain. He probably is in the top one-tenth of 1 percent of income earners, let me say.

I wish to ask my friend, and then I will leave her to her speech, does she know how much the head of ExxonMobil made this year?

Ms. STABENOW. Well, I know this: I know ExxonMobil has made the highest profits of any company ever in the entire world. I don't know the exact number, but my guess is that it is a lot more than people in Michigan are making.

Mrs. BOXER. Well, the CEO, the chief executive officer of ExxonMobil, according to my information, including his last paycheck and bonuses and the rest, made \$400 million in 1 year. So no, he is not whining, and Phil Gramm is not whining. That is obvious. They are the winners in this economy with two oilmen in the White House.

I wish to thank my friend.

Ms. STABENOW. Madam President, I so much appreciate my friend from California and her advocacy on a daily basis on this floor for people who are feeling the squeeze on all sides.

We are seeing a situation in this country where, frankly, most middle-class families, as well as small businesses and large businesses and those who want to do business in this country, just can't take any more. We are at the limit right now of what we can absorb in terms of higher and higher costs on people every day, with lower and lower wages, maybe losing a pension, maybe losing your health care.

What we have seen over the last 8 years is the creation of a race to the bottom in a global economy, a race to the bottom where the average American is told: If you only work for less, pay more in health care, and lose your pension, maybe we can be competitive. As Democrats, we believe in a race to the top. As Democrats, we believe it is critical that we address the squeeze middle-class families are feeling if we are going to have an economy.

What has made us strong among nations around the world is a strong, vibrant middle class, folks who can have the American dream, who know they can have that job. In Michigan, it is to have a home and maybe a little cottage up north or a boat to go around the beautiful Great Lakes and enjoy fishing and hunting and know they can send the kids to college—all of those things that have meant the great American dream for families in America. It is slipping away because of the policies of the last 8 years, not paying attention to what is happening to our global economy and making it worse by, in fact, protecting those whose profits are getting higher and higher at the expense of middle-class Americans.

So I would just say that to hear we are a nation of whiners from someone who is advising someone who wants to be the President of the United States—alarm bells should be going off to every single person who drives up to a pump today and has to pay somewhere between \$4 and \$5 a gallon for gasoline or goes to the store and sees the price of milk going up and bread and everything else they need to feed their family or sees their costs of health care going up, if they are fortunate enough to have health care alone.

So I certainly invite Senator MCCAIN to come to my State of Michigan as many times as he would like, and I hope he listens very, very hard. I hope he doesn't hear it as whining. I hope he hears it as a sign of proud, patriotic, America-loving people who just expect decisions here in this Government to be made in their best interests, not in the best interests of oil companies or credit card companies or insurance companies that aren't willing to cover their health problems. People want to know that, in fact, their families will be put first for a change. That has not happened in the last 8 years. We certainly don't need more of that.

Frankly, when I look at the gas price situation alone, I must say, if I remember correctly—and I will check this for sure—if I remember right, the gentleman who now calls us a "nation of whiners" actually authored language that began to deregulate the energy markets back in 2000, which has actually created much of the situation we are in today, with lack of accountability and transparency and gas prices, oil prices, going up and up and up.

The people of this country have had enough, and they expect us to work together in their interests. They expect

that we will put them and their families first, that we will do everything possible to create a climate where they can get a good-paying job and work hard every day and know that if they play by the rules in America, they are going to be able to have a better life for their children than they have had for themselves. That is all on the line right now in America because of what has been happening in the last 8 years.

We are not a nation of whiners. America is going through tough times. Even though times are tough, so are we. We are tough, resilient, hard-working people. I am proud of the people of my State who are working hard to keep their heads above water, to keep their families and their houses, to be able to keep some kind of an income coming in in the midst of all of this. I am proud to fight for them every day, along with a caucus that understands what is happening and which is going to do everything we can to turn this around.

I ask unanimous consent that following my remarks, Senator GRASSLEY be recognized to speak, to be followed by Senator PRYOR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant bill clerk [William Walsh] proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES IN THE TAX SYSTEM

Mr. GRASSLEY. Madam President, as the upcoming Presidential election approaches, we are learning more about changes each of the major candidates would make in our tax system.

Most of the attention in this regard is going to issues such as income tax rates, corporate tax rates, and the alternative minimum tax. These are very important parts of our Tax Code and do deserve the attention they are getting—particularly in a Presidential race—because then you have an opportunity not only to state your views but to educate the public about the complications of the Tax Code. This is what the public needs to know more about.

Now, my purpose for coming to the floor, too, is to discuss some of the lesser known parts of the Tax Code that are becoming part of the Presidential debate on taxes. Changes made in these areas can still make big differences in what citizens pay to the Government every year.

I am here to discuss what is termed the "Pease limit," the overall limitation on itemized deductions. That name comes from a Member of Congress probably 20 years ago who thought up the term. Then the word "PEP" is a phaseout of personal exemptions. So we are talking about a

part of the Tax Code that does things in a stealth way to make people pay higher marginal tax rates, even though the law would say that the marginal tax rate is only 35 percent—or in the case of Senator OBAMA's proposal, 39.6 percent. But yet when you put limitations in there and a phaseout of the personal exemption, you have a higher marginal tax rate, but it doesn't look very—it is not transparent.

So PEP and Pease were originally enacted by a Democratic Congress as a way of evading the first President Bush's refusal to raise the top statutory tax rate. By phasing out the personal exemption and itemized deductions for upper income taxpayers, the Democratic Congress was able to enact a kind of backdoor tax increase. However, in 2001, when I became chairman of the Senate Finance Committee, Congress reduced PEP and Pease in order to reduce taxpayer confusion and minimize inequalities based on a taxpayer's understanding of the law. But from my point of view, I figured if you are going to have a higher marginal tax rate, you should not camouflage them. You ought to simply say, instead of a 33 percent marginal tax rate, we are going to have 36 or 37 percent. Maybe for people who have income from subchapter S, it is even higher than that. Why not be honest with the taxpayers and say what the marginal tax rate is, instead of hiding it in this camouflaged way called PEP and Pease?

That bipartisan simplification was done at the recommendation of the nonpartisan Committee on Taxation to get around a principle that was put in place—or that recommendation was carried out by the nonpartisan Joint Tax Committee because we ought to be very transparent in our tax laws.

Despite this, those who see more Government spending as the solution to all the problems are desperate to seize more money from the American taxpayers.

We are hearing rumors of let's go back to camouflage. The junior Senator from Illinois would need more money to fund all the promises he is making. Restoring the phaseouts for itemized deductions and personal exemptions seems a likely source of some of that money. In discussing the tax proposals of the likely Democratic nominee, I am referring to a publication titled "A Preliminary Analysis of the 2008 Presidential Candidates' Tax Plans." This was prepared by an organization called the Tax Policy Center. The Tax Policy Center is a joint venture of the Urban Institute and the Brookings Institution, both well-respected think tanks.

According to this publication, my distinguished colleague from Illinois would restore PEP and Pease. In other words, he would bring less transparency to what is a higher marginal tax rate. That is, he would restore the phaseouts and the complexity they would mean for millions of tax-paying families. However, it is also noted that

he would set an increased income threshold of \$250,000 for married couples filing jointly. This is consistent with the candidate's stated goal of targeting tax breaks to low- and middle-income taxpayers while shifting more of the tax burden on the higher income taxpayers.

If your family makes less than \$250,000 a year, you might think this sounds like a good deal. For singles, the threshold for phaseout of personal exemptions would probably be lower, but the phaseout of itemized deductions would not vary with the filing status if current law is followed.

As an aside, the proposal of the distinguished junior Senator from Illinois would create a new marriage penalty. For those considered by the Senator from Illinois to be low- and middle-income taxpayers, the idea of raising taxes on other people might sound like a good idea but hold on.

On March 14 of this year, this body approved a budget with 51 votes. One of those 51 "yea" votes was cast by the Presidential candidate from Illinois. That same Senator voted again for the budget on June 4, when the Senate voted on that conference report. I am not sure if he is not communicating with the rest of the Democratic caucus or was too busy campaigning to become completely familiar with the budget. But he is making promises that the budget he voted for will not allow.

The budget passed by Congress earlier this year would protect taxpayers in the 10-percent and 15-percent brackets but would subject filers in the 25-percent bracket and brackets above to these camouflage provisions I have been talking about that we call PEP and Pease. To get an idea of what this means, I wish to walk through the 25-percent bracket, the 28-percent bracket, and the 33-percent bracket.

These particular brackets are important because they contain families with less than \$250,000 in income and singles with less than \$125,000 in annual income. It has been implied that the junior Senator from Illinois would protect these filers from tax increases as President. But restoring PEP and Pease provisions within the confines of this year's budget would subject filers in these brackets to this backdoor camouflage, the less transparent tax increase. The Senator from Illinois may say he is going to protect families earning less than \$250,000 a year, but the budget he voted for will not do that.

According to the Internal Revenue Service, single individuals falling within the 25-percent bracket in 2008 start at taxable income of more than \$32,550. That is not a high-income person. They earn taxable income of no more than \$78,850—in a lot of places in this country, that is not a very high income. It is high for my State of Iowa, but it is not high for a lot of States. Singles in the 28-percent bracket will earn taxable income of more than \$78,850 but less than \$164,550. The important num-

ber is \$125,000. If that many filers in the 25-percent and 28-percent brackets make less than that, based on the Democratic budget, these taxpayers would be hit with a PEP and Pease camouflage, less transparent rates of taxation.

Looking at the brackets for married filing jointly for the 2008 tax year, according to the IRS, married filers in the 25-percent bracket will start at a taxable income of more than \$65,100. Taxpayers in this bracket will earn taxable income of no more than \$131,450 annually. In the 28-percent bracket, they will earn taxable income of no more than \$200,300. For the 33-percent bracket, married filers filing jointly will earn no more than \$357,700 but more than \$200,300. For married individuals filing jointly, the important number is \$250,000.

Filers in the tax brackets I have walked through may expect the Senator from Illinois to protect them from tax increases if he is elected President. But the budget he voted for earlier this year makes that impossible.

As I said, the reinstatement of PEP and Pease amounts to a backdoor tax increase. I say backdoor because it increases the effective rate for many filers without really increasing the statutory tax rate. That is why it is camouflaged. That is why it is less transparent. And if you want to increase taxes, you ought to have guts enough to say what is the real marginal tax rate and put it in the tax laws, just like the 25, the 28, the 33, and the 35 are now.

For a family of four, this backdoor tax increase would be significant. If your family falls in the 25-percent tax bracket, according to the Finance Committee Republican staff analysis from March 2001, PEP and Pease could make your actual rate 26 percent. We can see the difference between the green line and the red line is when you are hit with PEPs and Peases. Your tax increase is going to be at a higher rate than what your tax form really says it will be. Again, why camouflage it?

The news is even worse—and I will have charts on this point—for filers in the 28-percent bracket and the 33-percent bracket. In the 28-percent bracket, a family of four could pay a real tax rate of 32 percent. So if you want people of that tax bracket to actually pay 32 percent, why don't you have a tax bracket that says it instead of camouflaging it? A family in the 33-percent bracket, as we can see in the next chart, a family of four could pay a rate of 37 percent. Again, the difference between the 33 is what you are told in your tax rate chart you are going to pay, but as a practical matter, you are paying 4 percentage points higher.

I end by stating that I believe taxes are a necessary part of life. We all benefit from the services our Government provides, and that Government needs money to function. We collect that money from taxes. However, I think our tax system should be transparent

and honest, not camouflaged. Raising money by limiting personal exemptions and itemized deductions is not transparent. As I have said, it amounts to a backdoor tax increase. If anyone thinks people should hand over a greater percentage of their income to the Government, that person should openly advocate increasing statutory rates.

I am also concerned that many people around the country may be relying on the latest campaign position of the junior Senator from Illinois. That latest campaign position says he intends to protect low- and middle-income tax filers from tax increases. Right now, he is at odds with his own party and with a budget for which he voted. I bet that being subjected to a backdoor tax increase is not the sort of change most Americans believe in, to say nothing of restoring what the nonpartisan Joint Committee on Taxation stated was a very serious source of complexity for the American taxpayers, a complexity we took out in the 2001 tax bill.

A series of correspondence has gone back and forth between the Republican and Democratic leadership regarding the extension of expiring tax provisions and energy tax incentives. On July 3, Leader McConnell sent a letter to the majority leader urging that he work with us to find areas of bipartisan agreement in order to break the current impasse over extending time-sensitive provisions that we call extenders, both for energy and the other category of extenders, such as R&D tax credits, an example of about 40 that have to be extended.

On that day, the majority leader responded in a fairly sharp manner:

While I am pleased the Republicans appear to have abandoned their fiscally irresponsible ways when it comes to the extenders bill, it is hard to comprehend why Senators McConnell and Grassley would choose to cut programs to help working families, seniors and veterans in need of health care in Kentucky and Iowa in an effort to protect multinational corporations and hedge fund managers.

On a preliminary point, in all the back and forth on this issue, I have not criticized the majority leader by name. In the tensions that come in Senate debate and the political environment, I think it is best to stick to that course. So I am disappointed that the majority leader did not keep the discussion on that level.

With all due respect to him, he seems to have misread the letter, so I will set the record straight on a couple of important points.

First, a simple extension of expiring tax relief, including extension of the AMT patch, should not be offset with accompanying tax increases. This does not mean we are opposed to offsetting the revenue loss from new tax relief policy with spending reductions or revenue raised from tax proposals that are grounded in good tax policy.

Then my second point. The distinguished majority leader accused Leader McConnell and me of protecting hedge fund managers. This is simply

not the case, which I will demonstrate. In fact, the House extenders bill contains an offshore deferred compensation proposal.

This proposal that the Democrats actually support allows these same hedge fund managers a very generous tax break that is not available to the average taxpayer. The House-passed hedge fund proposal allows these hedge fund managers to avoid paying taxes on their offshore deferred compensation if they make a cash donation to a charity equal to 100 percent of the amount of the offshore deferred compensation. Meanwhile, the average taxpayer is limited in how much they can deduct even for contributions to charity. They can only deduct charitable contributions if those contributions do not exceed 50 percent of their adjusted gross income. So if a teacher donated his or her entire salary to charity, he or she would only be able to claim about half of that as a deduction. But a hedge fund manager who sheltered income in the Grand Caymans would be allowed to claim a deduction for the entire amount of his or her sheltered income.

I want to make it clear, not only do I support the policy of changing the tax treatment of offshore deferred compensation for hedge fund managers, but I would make sure that we corrected the giant loophole that came over here from the House of Representatives benefiting hedge fund managers. We should make sure that if we are going to tax the deferred income, we do not leave an escape hatch in the future.

With respect to the spending cut allegation, the majority leader's comments again, with all due respect, implied that he has not read the Republican leader's letter correctly. The Republican leader's offer to break the stalemate does not pit spending cuts for benefits for working families, for seniors, for veterans against expired tax relief provisions. The spending described in the letter is for unspecified and unwritten appropriations bills as far as 10 years in the future. The general spending account identified represents the excess of new future spending levels over the current levels for nondefense discretionary spending plus inflation. None of the current-law levels of these categories of spending would be cut. What is more, the Republican leader's offer would leave intact nearly all of the \$350 billion in new extra spending. On its face, it is an extremely modest revision of this extra spending.

I ask unanimous consent to have printed in the RECORD a copy of the letter from the Republican leader and the majority leader's response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

McCONNELL PROPOSES COMPROMISE TO
EXTEND TAX RELIEF, ENERGY INCENTIVES

WASHINGTON, DC.—U.S. Senate Republican Leader Mitch McConnell sent the following letter to Speaker Nancy Pelosi and Majority Leader Harry Reid on Thursday calling on

Democrats to forge a compromise with Republicans to extend expiring tax relief in a deficit-neutral manner, without permanently raising taxes.

JULY 3, 2008.

DEAR MADAM SPEAKER AND MR. LEADER: This letter is in response to a letter from the House Democratic Leadership, dated June 12, 2008 and a letter from the Senate Leadership, dated June 13, 2008. Both letters deal with the legislation, H.R. 6049, which is designed to extend certain expiring tax relief provisions and energy tax incentives.

We object to some of the assertions in both letters about the position, record, and intentions of the Senate Republican Conference regarding tax increase proposals and the tax relief extensions. However, rather than respond to overtly coordinated election-year letters in a partisan fashion, we would like to focus on areas of bipartisan agreement in order to break the impasse on these time-sensitive tax matters.

The Senate Republican Conference places the highest priority on fiscal responsibility. We believe that deficit reduction should be considered with respect to all tax and spending proposals. However, the first step toward mitigating current adverse fiscal patterns is to do no more harm to the fiscal situation.

New spending increases the deficit, whether it be the expansion of discretionary spending or the expansions of entitlement spending. New tax relief is scored as increasing the deficit, even in instances where the resulting economic growth raises far more revenue than is estimated to be "lost." Under Congressional budget accounting, however, the extension of expiring tax relief looks like it increases the deficit, while the extension of expiring entitlement spending does not. This does not make sense.

Legislation to extend expiring tax relief, including an extension of the alternative minimum tax (AMT) patch, and legislation to extend expiring energy tax incentives all enjoy overwhelming bipartisan support. Few would dispute the merits of continuing these tax relief provisions. Indeed, with these bipartisan tax relief provisions in place, aggregate Federal tax collections have yielded revenue above the post World War II average of 18.2 percent of gross domestic product. Since these tax policies have yielded revenue above the historic average, we see no reason to condition their extension on new tax increases.

The conference report on the 2009 budget resolution increases non-defense discretionary spending by \$25 billion above the President's request in 2009. When these amounts are enacted, they will be perpetuated in the baseline and will result in \$350 billion in higher deficits over the next ten years. The deficit effect of this new spending cannot be ignored. It is surely as much of a fiscal burden as \$350 billion in tax policy extensions.

As a compromise, we suggest the following. The Senate Republican Conference will agree to offset the revenue lost from new tax relief policy with spending reductions or revenue raised from appropriate tax policy proposals. In exchange, the House and Senate Democratic Leadership would revise the desired new non-defense discretionary spending in the 2009 Congressional budget downward to a level sufficient to offset the cost (relative to the Congressional Budget Office baseline) of extending expiring tax relief. If agreed to, extension of expiring tax relief, including extension of the AMT patch and expiring energy tax incentives, could be accomplished in a way that achieves your stated goal of being deficit neutral, but without the unstated and unwarranted result of increasing the size of the federal government.

The Senate Republican Conference is committed to, as the letter from the House

Democratic Leadership states, "enacting legislation extending tax relief to businesses and families in a fiscally responsible manner." We look forward to working with our friends in the House and Senate Democratic Leadership on this time-sensitive legislation.

Sincerely,

MITCH MCCONNELL,
U.S. Senate Republican Leader.

—
U.S. SENATE,
Washington, DC, July 8, 2008.

The Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER MCCONNELL: Thanks for your recent response to the letter I sent you June 13 regarding extension of the expiring tax provisions and energy tax incentives.

Let me begin by saying I strongly share your hope that the Senate can work out a bipartisan solution to extend these important tax incentives before the August recess. Such action is as important as it is long overdue.

Although you have voted twice against just such a package, I did note that your July 3rd response contains one potentially positive thought that may make such a solution more likely. As you know, under this Republican President and a Republican-controlled Congress, the nation's debt and deficits reached historic levels. Record budget surpluses were transformed into record deficits and the nation's debt grew by more than \$3 trillion. Much of this was caused by the fiscally irresponsible decision to cut taxes and increase spending without corresponding offsets. Your July 3rd letter appears to indicate you are now ready to set aside your fiscally irresponsible ways when it comes to extenders and adhere to pay-as-you-go budget rules Democrats enacted at the beginning of the 110th Congress.

Unfortunately, rather than accept the non-controversial offsets contained in the bipartisan legislation passed by the House and the substitute put together by Senator Baucus, your letter indicates Senate Republicans believe we should instead jeopardize important investments in our nation's health, energy, and infrastructure sectors. Both the House-passed and Baucus substitute bills rely on the same two offsets—one ends the use by hedge fund managers of offshore accounts to avoid paying taxes and the other merely extends an existing delay in the implementation of interest allocation rules for multinational corporations. Neither provision has generated opposition from the affected industries and both are far preferable to cuts in health care, energy, and infrastructure programs that would harm Kentucky and many other states.

Despite your apparent decision to protect hedge fund operators over critical national priorities, I remain committed to taking up and passing bipartisan legislation to extend important tax incentives before the August recess. The fate of this legislation rests in your hands. I hope you and those in your caucus who have blocked the Senate from passing this legislation twice earlier this year will reconsider your opposition and join Democrats to extend this much-needed tax relief.

Sincerely,

HARRY REID,
U.S. Senator.

Mr. GRASSLEY. Madam President, to put the matter in some perspective, I ask unanimous consent to have printed in the RECORD an article containing a summary of an analysis by noted economist Kevin Hassett, a senior fellow and director of economic policy at the American Enterprise Institute.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From American Enterprise Institute for Public Policy Research, Feb. 11, 2008]
HOW GEORGE BUSH, BIG SPENDER, DESTROYED NIRVANA

(By Kevin A. Hassett)

If you could go back in time to President George W. Bush's inaugural address and add one economic statement, what would it be? For me, there is an obvious answer.

If Bush had promised in January 2001 that the baseline of government spending that he inherited when he took office would be the cap during his term, then we would have a big budget surplus today. It would have been easy to do. He just had to say: "I will not spend one penny more than President Bill Clinton planned to. I will veto any bill that tries to."

I have written before in this space that Bush has outspent Clinton by a mile. With government spending still out of control, the gap between where we are and where a disciplined nation could have been is getting bigger and bigger.

With a recession looming, the policy implications of the spending explosion are serious. If a deep recession occurs, we will have less wiggle room.

To see how different the world could have been, I gathered data from a number of sources and ran an alternative history. In that wishful place, government spending was set equal to the spending envisioned by the Congressional Budget Office in the January 2001 long-run forecast, plus the spending for the war in Iraq and to fight terrorism. This simulation assumes that the war would have happened in spite of Bush's spending promise, and wouldn't have induced him to seek cuts elsewhere.

The difference between that spending path and the one we are on is huge. Today, we expect federal spending in 2008 will be \$2.9 trillion. According to the alternative history, spending would be \$2.5 trillion.

SURPLUS FANTASY

With spending at the lower level, we would have a surplus of \$152 billion if revenue were equal to what it is currently projected to be.

Running the simulation forward, the gap between revenue gets wider and wider. By 2017, we are scheduled to spend almost \$1 trillion more than we would have if we had stuck to the Clinton baseline. With the low spending baseline we would have a surplus in 2017 of \$1.1 trillion, instead of the \$151 billion surplus that's currently forecast.

Think of it this way. If we now had the lower spending levels that Bush inherited, we could extend his tax cuts, repeal the alternative minimum tax, enact the current stimulus package, and still have a 10-year budget surplus of \$1.9 trillion. And, remember, that allows spending to be adjusted up for the Iraq war and the war against terrorists.

Many observers might say this scenario is unrealistic. The 2001 long-run forecast covered both discretionary and mandatory spending. No administration, the argument might go, could have held the line on the growth of Medicare and Social Security spending.

HOLD THE LINE

There are two responses to that.

First, a president could always demand that spending be capped and that discretionary spending be reduced to offset unexpected increases in mandatory outlays. Social Security might be the third rail of American politics, but it might not be.

It has been changed before. Why couldn't it be changed again? Families do that all the

time. If Johnny needs braces, then you take fewer trips to the restaurant.

The second response is perhaps more powerful. Let's see what happens when we allow mandatory spending to go up as it did. This lets Bush have his prescription-drug benefit, which is now part of mandatory spending.

If we had held the line on everything else that is discretionary, we could have had the prescription-drug plan, the Iraq war and the war against terrorists. We could have kept all the Bush tax cuts, made them permanent, repealed the AMT and added the stimulus package and still ended up with a balanced budget from 2008 to 2017.

BLOATED UNCLE

It makes you sick to think about it. All that money wasted on ethanol and bridges to nowhere has accumulated into a pile that massive. Uncle Sam ate a whopping helping of apple pie every day for seven years, and now he is obese.

This is important to bear in mind as we move forward to the general election. We don't have a deficit because of Iraq, or the tax cuts, or the drug benefit. We have a deficit because the government grew fat. We can't fix that with tax increases. Uncle Sam must go on a diet.

A simple way to start would be this: Whoever is elected president this November should pledge that he or she won't spend \$1 more than we currently plan to. If Bush had done that seven years ago, we would be in a different world.

Mr. GRASSLEY. According to the analysis, if the last Clinton administration budget were the baseline, Federal spending would be \$400 billion less than it is this fiscal year. Dr. Hassett's analysis accounts for spending increases for the global war on terror and related matters that were anticipated at the end of the Clinton administration. The analysis shows that other Government spending is trending \$400 billion above where it otherwise would be.

In essence, the Republican leader's offered offset categories are future undefined spending budget room that did not materialize until the conference report on the budget was adopted a few weeks ago. Keep in mind that this new undefined future spending sits on top of a baseline that is, as Dr. Hassett's analysis shows, \$400 billion higher than the trendline from the Clinton administration.

If the majority leader does not engage us on this deficit-neutral offer, then he is putting taxpayers in his State at risk for the loss of several deductions they used on tax returns for last year. Included are the sales tax deduction, college tuition deduction, and teachers' classroom expense deduction.

The latest IRS statistics of income data on the number of families and individuals claiming these benefits for the States of Nevada, Kentucky, and Iowa will appear in the RECORD after my discussion.

The tradeoff is clear. Deal with these tax benefits which affect taxpayers now. Offset them with undefined extra spending accounts for appropriations bills that will not be written until several years down the road under the present budget. All that can be accomplished without adding a penny to the Federal deficit.

I ask unanimous consent to have printed in the RECORD the IRS statistics of income data to which I earlier referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE OF EXAMPLES OF NUMBERS OF TAX FILERS
AFFECTED BY INACTION ON TAX EXTENDERS

	Nevada	Kentucky	Iowa
Sales Tax Deduction	327,532	54,602	50,163
College Tuition Deduction	32,800	45,713	48,895
Teachers Classroom Expense Deduction	22,789	39,735	35,238

Source: IRS Statistics of Income (2004 tax year).

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I ask that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS ANTHONY LYNN
WOODHAM AND JUSTIN D. ENGLISH

Mr. PRYOR. Madam President, the acclaimed writer H.L. Mencken once said:

In war the heroes always outnumber the soldiers ten to one.

Today, I come to the floor to honor the lives of two of those heroes: SFC Anthony Lynn Woodham of Rogers, AR, and Justin English of Springdale, AR. Madam President, we lost Specialist First Class Woodham on Saturday when he paid the ultimate sacrifice while serving in Iraq on his second tour as a member of the 39th Brigade Combat Team. As a vehicle maintenance supervisor at Camp Adder in Talil, he kept American troops safe and their equipment and vehicles running. Throughout his 20 years of National Guard service, he also trained countless mechanics, instilling in them a strong work ethic, enthusiasm, and patriotism.

In 2004, Specialist First Class Woodham explained that a lot of solutions for maintaining equipment are not found in the training manual. He learned from trial and error and taught others the art of adapting and improvising in order to get the job done quickly and to get the job done right. For his leadership and his service, we are a truly grateful nation.

MGEN William Wofford of the Arizona National Guard said of Woodham: "No words can fill the gap left by such a loss." I know those sentiments are also true for Specialist First Class Woodham's wife Crystal and three children, Patrick, 17, Mitchell, 11, and Courtney, 6.

Arkansas suffered another loss 11 miles away from Rogers, in Springdale, AR. The English family is mourning the loss of 25-year-old Justin English. A former Springdale firefighter and EMT, he went to Iraq for a larger mission—to protect United States personnel and installations in Iraq. A week into his mission—just a week

into his mission—English's vehicle was struck by a roadside bomb near Baghdad on Monday.

Those who knew Justin describe his friendliness, positive spirit, and willingness to lend a helping hand. Janet English, his aunt, said he had always wanted to join the military, find adventure, and serve his country. Indeed, he gave his country all.

Arkansas continues to make tremendous sacrifices to defend freedom and protect the ones we love. We will never forget the sacrifices made by the Woodham family, the English family, and so many other grieving families who have lost their loved ones in combat. I urge my colleagues in the Senate to honor the service of these brave men and women and ensure our troops have the resources they need both while in combat and when they return.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE TANKER DECISION

Mrs. MURRAY. Madam President, 3 weeks ago, the Government Accountability Office issued a blistering decision about the Air Force's handling of one of the most important defense contracts in our history. The GAO found that in the competition between Boeing and the European company Airbus to replace our military's aerial refueling tankers, the contest was unfairly skewed toward Airbus from the very beginning. It said that but for the Air Force's prejudice, Boeing would have had a substantial chance of winning.

The GAO was clear and emphatic that the Pentagon should reopen the contract, get new proposals, and correct those errors. I rise today, because yesterday Defense Secretary Gates announced that he would follow the GAO recommendations and rebid that contract. I am very pleased that he says he is committed to a swift decision. But I have also been a close observer of the Pentagon's decisionmaking process for many years now, and I know the devil is always in the detail.

We do not know yet many of the details of this latest decision, and unfortunately I am already skeptical about whether the Pentagon is on track to get this right. The Defense Department has a high hurdle to clear in order to ensure this competition is fair and is transparent.

As I said earlier, the GAO raised serious questions about the Air Force's previous decision, and it described the competition as unreasonable, improper, and misleading. The GAO found that the Air Force changed direction midstream about what criteria were more important. It didn't give Boeing credit for providing a more capable

plane, according to the Air Force's description of what it wanted, yet it gave Airbus extra credit for offering amenities it didn't ask for. It said the Air Force deliberately and unreasonably increased Boeing's estimated costs. And when that mistake was corrected, it was discovered that the Airbus tanker actually costs tens of millions of dollars more than Boeing's.

The GAO said the Air Force accepted Airbus's proposal even though Airbus couldn't meet two key contract requirements. First, Airbus refused to commit to providing long-term maintenance, as specified in the RFP, even after the Air Force asked for it repeatedly. Second, the Air Force could not prove that Airbus could refuel all of the military's aircraft according to procedure.

Those are very serious findings. It is still unclear whether the errors were due to incompetence or impropriety, but the result was that the military chose a plane that didn't meet the fundamental requirements that were set out in their own RFP. That cannot happen again. The Defense Department must do everything it can do to ensure that this competition is fair and transparent.

That means the Pentagon must go back to the original request for proposals. It must ensure that both of the companies get the same information throughout the entire competition. It must prove the tanker it selects can actually perform all of the missions that are required by the military. It must do a full accounting of all of the life cycle costs of flying and operating both planes. And it has to ensure that the companies can only earn credit as it was spelled out in the original RFP.

That last point is extremely important. In its decision last month, the GAO said the request for proposals was crystal clear about what kind of tanker the Air Force needed. Yet I have already heard that the Defense Department plans to reevaluate the life cycle costs of both tankers using a 25-year lifespan instead of a more accurate 40 years. It wants to revise the RFP to give greater benefit to a larger plane, even if that means the tanker it buys is not capable of meeting its own mission. That fundamentally changes the rules of the procurement and is not what is in the original RFP.

I am very concerned about both of these proposals. Changing the rules of the game when we are in overtime is simply going to result in a repeat of the last contest—an unfair result, more protests, and more delays. I look forward to hearing a thorough explanation from the Defense Department about how it is going to carry out this new competition and how it is going to ensure that this contract is finally fair.

Finally, I agree with Secretary Gates that it is vitally important that we move quickly to finish this contract. Air men and women who fly out of Fairchild Air Force Base, in my home State of Washington, fly these tankers.

I know they need these planes. They need them now. But we also have to do this the right way. We have to have a competition that is not overshadowed by questions of ethics or competence. If we don't, we risk another challenge that is going to draw out this procurement process even further.

Even more importantly, we have got to get the right plane. Our aerial refueling tankers—the ones we are talking about with this contract—are the backbone of our global military strength. They are stationed today across the world, and they refuel aircraft from every branch of our Armed Forces. Before our taxpayers spend \$35 billion, they deserve to know the planes we are buying can actually refuel our military's aircraft. Our service members deserve to know they are getting a plane that will enable them to do their jobs and return home swiftly.

I welcome Secretary Gates' announcement yesterday that this contract is going to be rebid, but I remind all of my colleagues—those of us who have watched this procurement process for many years now—to follow the bouncing ball and see where it leads. We are going to follow this carefully. It needs to be rebid with the original RFP, not changed in overtime, to make sure this is a fair contract that results quickly in making sure our air men and women get the right aircraft as quickly as we can possibly bring it to them.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHUTDOWN OF DHL

Mr. BROWN. I share with my colleagues some bad news from my State that I hope turns into better news; that is, there is a company in Ohio called DHL. It is an airfreight company. They are the second-largest, single-site private employer in Ohio next to the Honda Corporation in Marysville and other nearby places.

DHL is in Wilmington, Clinton County, southwest Ohio, where some 8,000 people work pretty much in one facility in Clinton County. Wilmington is the county seat of Clinton County. Wilmington is the home of Wilmington College, a Quaker school, a wonderful private 4-year institution in southwest Ohio.

Wilmington has only 13,000 people living there. This company, DHL, employs close to 8,000, through a couple subsidiaries, a couple people they con-

tract with there, ABX and ASTAR. The announcement to close by the owner of DHL, a German company called Deutsche Post, which I believe is the largest freight company in the world and which used to be the German Post Office but now is a privatized company, will have a devastating effect on this region and these people.

Deutsche Post owns many facilities of all kinds around the world; one of them is DHL. They made a decision to shut DHL down in Wilmington, a loss of up to some 8,000 jobs. I was in Wilmington last week, conducted a roundtable, listened to the concerns of pilots and material handlers and clerks and computer operators and mechanics and engineers and all kinds of people who fly the planes and service the planes and move the baggage, often in the middle of the night. There are local farmers who work there part time who get health care, there are very skilled pilots, there are very skilled machinists and mechanics.

DHL is everything to a community of 13,000. Those 7,000 to 8,000 employees live all over southwest Ohio, obviously not all of them in Wilmington or in Clinton County. Many of them live in Hillsboro, Highland County; some live in Brown County and Adams County and Hamilton County and Montgomery County and Clark County and Green County, all over southwestern Ohio.

We are not just accepting this tragedy as is. The mayor, Mayor Raizk, Governor Strickland, Lieutenant Governor Fischer, the development director, Senator VOINOVICH, Congressman TURNER and I and others are banding together to fight this perhaps as an antitrust violation, perhaps in some other ways that we are working to try to stop this from happening.

The contract has not yet been signed. We are hopeful that DHL, that Deutsche Post, this German company will, in fact, listen to us and listen to proposals from ABX and ASTAR to stop the bleeding, if you will, to keep these jobs here. They have been productive. They took over a company called Airborne Express 4 years ago. The State of Ohio and Governor Taft in those days put together a \$400 million package for them. We thought it was the start of a long friendship, a long relationship between Deutsche Post and DHL and the community of Wilmington, the County of Clinton, and the State of Ohio. We have been disabused of that notion, at least temporarily. We hope something better comes of it.

What I wish to share today is the background. I wish to share for 4 or 5 minutes some e-mails I received. I asked people in Clinton County, in Brown, Adams, Highland, Montgomery, Clark and Green Counties to share with me on my Web site what this closing might mean to them and what this company means to them and to their prosperity and their middle-class lifestyle and all that.

I told them I would read some of these on the Senate floor. Last week

when I had a roundtable discussion with about 20 people, we talked about many of these issues. I wish to share with you today some of these, three or four of these entries, if you will, from statements written by people who are affected directly.

I am not going to share the name. I think I probably could, I think they gave us permission, but I will share their hometown. This gentleman from Wilmington wrote:

I am in my 15th year as a pilot with DHL/ASTAR. I was hired by DHL Airways in January 1994 after serving as a C-5 pilot in the United States Air Force. DHL later became ASTAR Air Cargo due to U.S. Airline ownership laws. The airline pilot's career is based on seniority; there are no lateral moves to another airline. Losing my job with ASTAR due to Deutsche Post's forcing DHL to use UPS [that is what actually happened here] will result in the loss of not only my job but the loss of my career. I do not have enough years left, due to mandatory pilot retirement age at 65, to restart a commercial pilot career with another airline and regain the salary I earn now. I also own property in Wilmington based on working for ASTAR Air Cargo. As these jobs go away my property approaches being worthless and makes it likely I will have to turn it back to the bank. The DHL deal will destroy many careers, families, and create a duopoly in the U.S. Express shipping industry, driving down competition, driving up costs for business and for consumers.

A lady from New Vienna writes:

I know you are well aware of what is going on in Wilmington with ABX/DHL. But you probably do not have any idea what it is already doing to all of our workers. Our morale is at an all-time low. We already know our time is short, but DHL is cutting the rope shorter and shorter. I really do not know how much more some of the people can take. I have heard of many problems in marriages already. I know of many husband and wives who work out there, my husband and I included.

The majority of us on days are full-time employees and are scheduled to work 8-hour days. As of today, DHL has dictated that whenever our work is finished we are to leave whether we worked 6 hours, 7 hours or 8 hours.

My husband and I were planning on taking whatever we could out of our last paychecks and put away because of what awaits us. Now we are not even allowed to stay and get our 8 hours so we only get paid for time worked.

Generally, at these roundtables I heard this discussion over and over. We are not giving up. We are still trying to save these jobs. People who work at ASTAR, who work at ABX, who are part of DHL, obviously have real fears.

Another lady from New Vienna writes:

My husband is one of the many employees being laid off by ABX after putting in 26 years with them. I cannot begin to tell how much this is going to hurt us in many, many ways, along with 6,000 plus other employees here.

When I said up to 7,000, I was including, you know, some of the ancillary supply jobs in the vicinity.

The reason I am e-mailing you is to see if there is any way you or any government employee can help all of the employees and their families that are being let go. With the economy the way it is, it is hard enough trying to keep food on your table let alone trying to do without a job. Please, Senator

BROWN, fight for all of us at ABX, ASTAR and DHL. We need all of you in our government to fight hard for us and Ohio.

Someone from Blanchester, just south of Wilmington, said:

I am a 19-year pilot for Astar Air Cargo; a 16-year member of the pilot's union. My wife and I became residents of Ohio when DHL consolidated their main sort facility in Wilmington, OH.

At first we did not want to move, but as a loyal employee I wanted to live close to my employer. So my wife and I built a home in Brown County near town, and I looked forward to finishing my career there. We, unlike DHL, made a long-term commitment to the local area. I am realistic that I realize the last flight of ASTAR is on the horizon. I know in today's business environment there is usually little chance of stopping large corporations from following through with their announced plans. My wish is that you use any influence you might have with the Department of Justice or other agencies that will have to approve DHL's planned partnership with UPS to compel DHL to abide by their commitment to the pilots of ASTAR, the commitment to job security, growth and a long career they promised in the latest collective bargaining agreement.

DHL and their owner, the Deutsche Post, needs to be held accountable for commitments they made to the people, the workers, and the communities of southwest Ohio.

The last note I will share is from someone in Midland.

I am writing today to ask you to all consider the devastating effect that the loss of these thousands of jobs will do to our families, counties, and State, if DHL does, in fact, pull out of Wilmington, OH. Everyone I know has a family member or friend who works in that facility. I have two daughters who work there as well. They are single parents, and the fear of loss of income, home, and car is in their every thought at this time. I cannot imagine how terrible this will be for them, and they have family to fall back on. What will happen to others who do not have that support system in place?

We are all fighting to keep this place open. It matters to our economy, it matters to our State, it matters individually to so many people.

Those were four or five of them. In the communities, you know what happens when people lose their jobs, and there are so many of them, especially in a small town. You know what it means to the school system, what it means to police protection, fire protection, all that people in our middle-class society and workers rely on. That is why I share these stories. I will share these with the White House, I will share those same stories with Deutsche Post. We want them to come to the table and talk to us about a different contract that can keep those workers there. It will matter for Wilmington, it will matter for southwest Ohio, it will matter for our country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS OF GENERAL DAVID H. PETRAEUS AND LIEUTENANT GENERAL RAYMOND T. ODIERNO TO BE GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session and continue consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gen. David H. Petraeus, Department of the Army, to be general.

Mr. BYRD. Mr. President, I will vote no on the nomination of GEN David H. Petraeus, the current commander of the Multi-National Force—Iraq, to be Commander, U.S. Central Command. I was unable to attend General Petraeus' nomination hearing before the Armed Services Committee because I was managing the supplemental appropriations bill on the Senate floor, but I reviewed his testimony. I also posed a number of questions to General Petraeus after the hearing, and studied his responses.

I appreciate General Petraeus' evident intelligence and his expertise and experience in Iraq. He wrote the book on countering insurgencies for the Army. He led the 101st Airborne Division during the V Corps drive to Baghdad in 2003. He established the Multi-National Security Transition Command Iraq in 2004. He has served as Commander of the Multi-National Force—Iraq since January 2007. He is the architect of the so-called surge strategy that is even now being played out in Iraq.

The surge strategy is, in fact, one of the reasons why I believe General Petraeus should remain in his current position as Commander of the Multi-National Force—Iraq. Marshal Ferdinand Foch, Supreme Commander of the Allied Armies at the conclusion of World War I, observed in his 1920 book, "Precepts and Judgments", that "Great results in war are due to the commander. History is therefore right in making generals responsible for victories—in which case they are glorified; and for defeats—in which case they are disgraced." The book is still out on the success or failure of the surge strategy. General Petraeus should bring it to its conclusion before he is rewarded with a promotion.

Continuity of command has been a problem in Iraq. Historically, when the United States has been involved in protracted conflicts, continuity of command has been maintained, be it Generals Eisenhower or MacArthur during World War II, or General Westmoreland during the Vietnam conflict. General Petraeus has only been in his current position for 18 months. Since President Bush believes that General Petraeus

has done well in his current position, but he, Secretary Gates and General Petraeus have all described the security situation in Iraq as tenuous and reversible, it does not seem prudent to remove the mastermind behind the fragile successes that have been thus far achieved.

Almost 1 year ago, on July 14, 2007, President Bush said in a radio address that, "When America starts drawing down our forces in Iraq, it will be because our military commanders say the conditions on the ground are right—not because pollsters say it would be good politics." That strategy does not work well, however, when you keep changing commanders. No new commander is going to come in and say 'reduce the troop levels on my watch,' because if, through their lack of familiarity with the conditions on the ground, they are wrong, that defeat would be their disgrace, just as Marshal Foch observed in 1920. So, a year after President Bush's statement, troop levels in Iraq are only just returning to something close to the pre-surge levels of January 2007, when General Petraeus assumed command in Iraq. If, as General Petraeus has said, no further decisions on additional drawdowns will be made until sometime in the fall of 2008, a new commander will be called upon to make that decision.

I am also concerned about General Petraeus' unwillingness to address questions regarding other regional issues, such as in Afghanistan or Iran, during his nomination hearing. Such evasiveness is not politic; it is troubling at a time when news reports suggest that the Taliban is resurgent in Afghanistan and that President Bush may be contemplating military action against Iran. Despite the press of his responsibilities in Iraq, General Petraeus must be concerned with how other operations or other political considerations in the same theater affect his options in Iraq. Equally, he must consider how political changes in his chain of command might affect his operations in Iraq, yet he will not admit even the existence of contingency plans for potential troop drawdowns that might be required by a new administration. If the competing priorities for manpower and materiel are to be sorted out at the CENTCOM level, it must be done with a clear understanding of what is possible and what is achievable, by someone willing to take a stand in support of all the men and women who will be called upon to carry out those priorities, not by someone who only salutes and carries out orders or by someone who knows only a fraction of the full situation. General Petraeus' career will be judged in large part by his role in the Iraq conflict; his reticence to address other regional issues raises questions about his willingness to devote the focus and the resources needed to address them properly.

Finally, the repeated rotations of U.S. soldiers to Iraq and Afghanistan

are taking a toll on our military. Elements of the 4th Infantry Division, 1st Infantry Division, 1st Cavalry Division, and the 172nd Infantry Brigade are facing a third tour in Iraq and Afghanistan. Elements of the 82nd Airborne Division are facing a fourth tour. With these repeated tours and the continuation of the "stop loss" policy of forcibly retaining troops on active duty in order to maintain unit integrity necessitated by the strain this war is placing on our forces, it is difficult to understand why these troops should not be entitled to a continuity of command. The troops appreciate the effectiveness of working together as a unit when confronting danger on a regular basis. They deserve a leadership corps that, like them, functions together as a unit and stay together.

More than 12,000 servicemembers are currently affected by "stop loss" orders that prohibit them from retiring or leaving the service even though they are eligible for retirement or their terms of enlistment have expired. That total includes 6,800 active-duty Army personnel, about 3,800 Army National Guard personnel and almost 1,500 Army Reservists who are not allowed to leave military service despite having fulfilled their service obligations.

LTG James Thurman, the Army's deputy chief of staff for operations, has said that he hoped, but could not promise, that if the demand for troops stabilized at around 15 combat brigades, the use of the "stop loss" could be ended by the end of fiscal year 2009, or the beginning of fiscal year 2010—in September or October of 2009, more than a year from now. "But demand exceeds supply right now," he stated. For the 12,000 affected servicemembers, and those who will become eligible to retire or leave service between now and late 2009, this amounts to another 18 months of forced conscription. Until the practice of "stop loss" is ended, perhaps General Petraeus and other military leaders should remain in their current assignments until the U.S. can transition the responsibility for the security of Iraq to Iraqis.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of GEN David H. Petraeus to be general?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—95

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Allard	Dorgan	Murray
Barrasso	Durbin	Murkowski
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Cantwell	Inouye	Sessions
Cardin	Isakson	Shelby
Carper	Johnson	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wicker
Dodd	McConnell	Wyden

NAYS—2

Byrd Harkin

NOT VOTING—3

Kennedy McCain Obama

The nomination was confirmed.

The PRESIDING OFFICER. The question now is, Will the Senate advise and consent to the nomination of Lt. Gen. Raymond T. Odierno to be General?

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—96

Akaka	Coburn	Hagel
Alexander	Cochran	Hatch
Allard	Coleman	Hutchison
Barrasso	Collins	Inhofe
Baucus	Conrad	Inouye
Bayh	Corker	Isakson
Bennett	Cornyn	Johnson
Biden	Craig	Kerry
Bingaman	Crapo	Klobuchar
Bond	DeMint	Kohl
Boxer	Dodd	Kyl
Brown	Dole	Landrieu
Brownback	Domenici	Lautenberg
Bunning	Dorgan	Leahy
Burr	Durbin	Levin
Byrd	Ensign	Lieberman
Cantwell	Enzi	Lincoln
Cardin	Feingold	Lugar
Carper	Feinstein	Martinez
Casey	Graham	McCaskill
Chambliss	Grassley	McConnell
Clinton	Gregg	Menendez

Mikulski	Salazar	Sununu
Murkowski	Sanders	Tester
Murray	Schumer	Thune
Nelson (FL)	Sessions	Vitter
Nelson (NE)	Shelby	Voinovich
Pryor	Smith	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Stevens	Wyden

NAYS—1

Harkin

NOT VOTING—3

Kennedy McCain Obama

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, en bloc, and the President will be immediately notified of the Senate's action.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank all the Members of the Senate. We just had two historic votes. The men and women in the Armed Forces, particularly those serving in Iraq and Afghanistan, will be greatly heartened to hear that the Senate has given the strongest possible advice and consent, each Member coming to the floor and casting their vote. I think it is a landmark situation and one which is respected and appreciated across our uniformed services and the many civilians who serve with them.

I yield the floor.

Mr. FEINGOLD. Mr. President, it is generally my policy to defer to Presidents on executive branch nominations. Accordingly, I voted to confirm the nominations of General Petraeus and Lieutenant General Odierno. However, I am concerned that General Petraeus has not always been forthright in his congressional testimony about matters such as the limitations of the Iraqi Security Forces and Iran's influence over the Iraqi government. I am also concerned that General Petraeus, as CENTCOM Commander, would continue to prioritize deployments to Iraq over Afghanistan, despite al-Qaida's safe haven along the Afghanistan border in Pakistan and its support for a resurgent Taliban. I look forward to a new administration that recognizes that the Iraq war is a distraction from our top national security priority—the global fight against al-Qaida and its affiliates.

Mr. HARKIN. Mr. President, today, the Senate considered nominations for two very important positions that will affect how our country moves forward in Iraq and the Middle East. While I highly respect the service that these men have provided to their country, I do not believe that either General Petraeus or Lieutenant General Odierno will take the United States in the direction that we need, particularly in Iraq where we need a timetable for redeployment of United States forces so that our country can begin to more effectively address the very real

threat posed by terrorists in other areas, such as Afghanistan, as well as around the globe.

I believe that General Petraeus has been an unapologetic supporter of this misguided war in Iraq, continually toeing the administration's party line and failing to acknowledge many of the grave failings that have occurred. The military alone will not be able to stabilize Iraq, we must understand the political and diplomatic situation at hand, and I do not believe that under General Petraeus' leadership, the necessary reconciliation to allow the Iraqi Government to take control has occurred. General Petraeus has shown no willingness to take us in this new direction, and it is for this reason that cannot support his nomination.

With respect to Lieutenant General Odierno, I believe that his past command of the 4th Infantry Division demonstrated what I consider to be serious flaws in judgment. General Odierno refused to characterize the insurgency that began after the fall of the Saddam Hussein regime as anything that was serious and worthy of U.S. strategy shift. As we know, the failure to correctly assess the nature of the insurgency helped fuel years of violence in Iraq.

We are long overdue for a new course in Iraq. The tragically overwhelming costs of this war in both lives and resources have distracted us from the initial task of fighting al-Qaida. It is time that we have leaders who will be able to independently assess our military mission in Iraq, Afghanistan, and the Middle East rather than unquestionably support the failed policies of this administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

REQUEST TO BE EXCUSED

Mr. STEVENS. Madam President, I ask unanimous consent that I be excused from the call of the Senate until the first vote that occurs on July 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. SANDERS. Madam President, I want to take a moment to speak about one of the most important issues facing our country right now, and that is the energy crisis, in terms of the high cost of energy and the fact that people will be suffering very significantly this coming winter—in fact, this summer—if we do not address it.

In that regard, on June 24, I introduced S. 3186, the Warm in Winter and Cool in Summer Act, to provide immediate relief to millions of senior citizens, families with children, and the disabled, who are struggling to pay their home energy bills. Specifically, this bill would nearly double the funding for the highly successful Low-Income Home Energy Assistance Program, commonly called LIHEAP, in fiscal year 2008, taking LIHEAP from \$2.57 billion to \$5.1 billion, a total increase of over \$2.5 billion.

I thank Majority Leader REID for completing the rule XIV process for this important piece of legislation and placing it directly on the Senate calendar. My understanding is that we will have this bill on the floor before we recess for the August vacation. It is important we do that, and I thank Senator HARRY REID very much for allowing us to move forward in that direction.

I also thank the 26 Senators who are cosponsors of this tripartisan legislation. This bill absolutely is a tripartisan piece of legislation. At this point, we have 18 Democrats on board, we have 8 Republicans on board, and I expect more will be coming on in the coming days and weeks. I thank Senators OBAMA, COLEMAN, LEAHY, SMITH, DURBIN, SNOWE, MURRAY, SUNUNU, LANDRIEU, COLLINS, MURKOWSKI, CLINTON, LUGAR, CANTWELL, GREGG, KERRY, CARDIN, KENNEDY, SCHUMER, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, STABENOW, and LAUTENBERG for their support.

This legislation not only has strong bipartisan support here in the Senate, it is also moving in the House, and it also has been endorsed by numerous groups all across this country, including the AARP, the National Grange, the National Conference of State Legislatures, the National Community Action Foundation, the National Association of State Energy Officials, the Alliance For Rural America, the Northeast Public Power Association, the National Consumer Law Center on behalf of its low-income clients, the Edison Electric Institute, the National Fuel Funds Network, and the Petroleum Marketers Association of America.

I think we are going to show more and more support in coming weeks, but there is a widespread understanding

that we are facing a crisis in this country and that the President and the Congress have to act.

Let me read a support letter I received from the AARP, the American Association of Retired Persons. As you know, the AARP represents over 39 million Americans, and this is what the AARP said.

AARP fully supports the Warm in Winter and Cool in Summer Act. This legislation will provide needed relief for many older persons who may not receive assistance—despite their eligibility—due to a lack of funding. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They often skimp on other necessities to pay their utility bills. However, today's escalating energy prices and the Nation's unpredictable and extreme temperatures are adding to the growing economic hardships faced by seniors. LIHEAP is underfunded and unable to meet the energy assistance needs of the program's eligible households.

I thank the AARP very much for their strong support of this legislation.

Let me also quote from a very recent New York Times editorial. This is what the New York Times said the other day.

A bill just introduced in the Senate would provide about \$2.5 billion under the Low-Income Home Energy Assistance Program. Half would be released to the States to help low-income residents pay their energy bills and half would sit in a contingency fund that could be tapped at the discretion of the President. When the bill comes up for a vote, likely later this month, Congress should approve it and President Bush should sign it into law. As the economy slows and oil prices rise, helping Americans who cannot afford to heat their homes is a matter of public health and safety as well as a moral imperative. People without adequate heat are vulnerable to illness, and people struggling to pay the heating bills may be tempted to skimp on medicines and even food. No one should have to choose between heating and eating. If they act this summer, as they must, before the Presidential and congressional campaigns send everyone home, Congress and President Bush can help make sure that nobody has to make that choice.

That is from the New York Times, and I appreciate the support of the New York Times on this issue.

Make no mistake about it, we have an energy emergency in Vermont and all across this country, and it is about time the President and the Congress treated this as the emergency it is. As many of my colleagues understand, the price of heating oil skyrocketed last winter, making it extremely difficult for some of my constituents and people all across this country to stay alive, especially when the temperature dropped well below zero. Next winter will even be worse.

At this time last year, heating oil prices were about \$2.50 a gallon. Today, they are about \$4.50 a gallon. Fuel dealers in Vermont are telling me that if this trend continues, heating oil prices could surpass \$5 a gallon by December. I must tell you, Madam President, that all across my State people are very worried about how they will in fact be able to adequately heat their homes next winter.

Meanwhile, LIHEAP funding is 23 percent less than it was 2 years ago, completely eviscerating the purchasing power of this extremely important program. In fact, after adjusting for inflation, the Federal Government spent more money on LIHEAP 20 years ago than it is spending today. So we have a real crisis we have got to address.

It is not an exaggeration to say this is a life-and-death situation. People use that phrase often, but in this sense we are describing the reality facing a number of people. According to the Centers for Disease Control, over 1,000 Americans all across this country died from hypothermia in their own homes from 1992 to 2002, the latest figures we have available. Over 1,000 Americans died from hypothermia. In other words, they froze to death in the United States because they were unable to afford to heat their homes. How many of these deaths were preventable? Well, the answer is, all of them, according to the CDC.

We will probably not know for several years how many Americans died last winter because they could not afford to heat their homes, but clearly one death is too many. And everything being equal, if we do not act, I think we can reasonably expect the number of people dying of hypothermia in this country will only go up. If heating oil even approaches \$5 a gallon by next winter, we will have a public health emergency throughout the northern tier of this country, and this is something we have to address.

I wish also to point out that, although I come from a cold weather State—and I hope and expect all of my colleagues understand this—LIHEAP does not only help constituents in the northern part of our country stay warm in the winter, it also helps people in the South and the West stay cool in the summer. Right now, many people in the southern and western States are suffering with temperatures frequently soaring past 100 degrees while their electricity prices are rapidly increasing.

I was in Nevada last week, and the temperature there was something like 110 to 115 degrees. That is hot. I cannot imagine a frail or elderly person, somebody who is ill, trying to survive in that kind of weather. Those people are going to need help today as much as people in the North will need help when the winter comes.

Recently, USA Today ran a headline on its front page and it said:

Price jolt: Electricity bills going up, up, up.

That was a headline, front-page story. According to this story:

Utilities across the USA are raising power prices up to 29 percent, mostly to pay for soaring fuel cost. . . . The spikes come after rising fuel prices already have driven up utility bills nearly 30 percent the past 5 years, the sharpest jump since the 1970s energy crisis.

Let me give an example of why LIHEAP funding is vital, right now, for

these hot-weather States. Arizona, Georgia, Louisiana, Kentucky, Mississippi, and Florida have either exhausted all their LIHEAP funding or are on the verge of running out of funds. In other words, they will have absolutely no support from the Federal Government to help millions of senior citizens on fixed incomes, low-income families with kids or the disabled stay cool this winter. They are running out of funds right now.

As I have indicated, with the price of electricity going up and up, with the economy in the tank, people are having a harder and harder time paying their electric bills, air-conditioners are run on electricity, and if you don't have your electricity, you don't have your air-conditioner, and if you are old and you are frail and you are sick, you are in a lot of trouble.

From 1999 to 2003, over 3,400 deaths in this country were due to excessive heat. All these deaths were preventable, and air-conditioning is the best way to prevent these deaths from occurring, according to the Centers for Disease Control. In fact, more people in the United States—and this is an interesting fact that I think many people are not aware of—more people in the United States have died from the extreme heat than from floods, tornadoes, and hurricanes combined, since 1998.

CNN may not be in a senior citizen's bedroom when she expires because of heat exhaustion. They are there with the floods and hurricanes and cyclones and tornadoes—we understand that. But we need to reiterate that more people in the United States have died from the extreme heat than from floods, tornadoes, and hurricanes combined.

Meanwhile, the Federal Government spends less money preventing these deaths from occurring than any other natural disaster we face, according to the CDC.

My point is, hurricanes and floods certainly are emergencies. I have always supported efforts to address these emergencies. I want my colleagues to know that when the weather gets 20 below in Vermont and Maine and New Hampshire, that is an emergency. When the weather gets to 110 degrees in California or Nevada, that is also an emergency. We have to act.

My legislation will begin to move us in the right direction. If this legislation becomes law, as I certainly hope it will be, the State of Arizona would receive over \$24 million, the State of Kentucky would receive over \$34 million, the State of Georgia would receive over \$70 million, and the State of Florida would receive over \$80 million to keep their residents cool this summer.

The point I am making is, I don't want anybody to think that because I represent Vermont and we are from the Northeast, that this is simply a cold-weather issue. It is not. It is an issue for every region of this country.

In addition to all that I have said, it is important to understand that tens of thousands of Americans have had their utility and natural gas service shut off this year, and millions more are in danger of having these services cut off because they are at least 1 month late in paying their bills. There is a lot of attention, obviously, on housing foreclosures that we have been focusing on. But let us not forget that as people lose their jobs, as people's wages decline, as utility bills go up, we are looking at utility cutoffs in a very dramatic way.

Increasing LIHEAP funding will allow these Americans to turn their electricity and other essential utility services back on right now so they can cool their homes this summer and heat their homes next winter. According to the National Energy Assistance Directors' Association, a record 15 million American families, or nearly 15 percent of all households, are at least 30 days overdue in paying their utility bills.

Let me conclude by thanking the 26 cosponsors, including 8 Republicans, who are onboard this legislation. Let me thank AARP and the many national organizations that are supporting this. Let me thank Senator REID for completing the rule XIV process.

I hope very much that in a week or two, certainly before we break for the August recess, we will be voting on this legislation. I hope we win it by a very large majority.

I thank Majority Leader REID and all my colleagues who are supporting this legislation and look forward to, in the very short term, reassuring people throughout this country that we are mindful of the impact high energy costs are having on their lives, and we are here to do something about it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask the question, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business.

Mr. GRASSLEY. I ask unanimous consent to speak for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. GRASSLEY. We are all aware of the impact rising energy costs have had on Americans and our economy. Every home and business in America has seen energy costs skyrocket. That is true with the price of home heating oil, electricity generated from natural gas or the gasoline and diesel for our cars and trucks, and probably a lot of

other energy uses and sources of energy you could throw in there as well. These costs permeate through our economy by driving up costs for the transportation and production of food, to the manufacturing and industrial sectors of our economy. Obviously, those hurt most are the families who feel it in their pocketbooks when they pay their utility bills, fill their cars or trucks to get to work or take their kids to school, or even buy groceries. They do not have the ability to pass it on, as do people in the middle of the chain.

A key component of a strong and vibrant economy is reliable and affordable energy. For businesses to grow, for productivity to increase, we need more energy. And in the process of more energy, I mean more sources of energy, but I do not preclude any way we can save energy, and an ethic to save energy as well.

It is a fact of life that each American generation has lived better than the predecessor generation, and my generation and the next generation and the next generation expects to live a little better than the previous generation. That is the American dream; that is the American way. It is not going to happen if we do not have affordable energy. To have affordable energy, it is as simple as economics 101: when the price is high, with an increased supply, the price will go down.

So all of this means that we need to use energy not only more but more efficiently. It also means you cannot rely just on fossil fuels. God only made so much of that. We need to develop alternative and renewable sources of energy. But renewable energy and energy efficiency are only a part of the solution. I guess I would say that when you talk about energy, you talk about three: No. 1, more sources of present fossil fuels; No. 2, alternative energy—and for a guy like me from corn country, I am not talking only about ethanol, but biodiesel, biomass, wind. I happened to sponsor, 15 years ago, the wind energy tax credit that now exists and which has brought vibrant wind energy to a lot of the Midwest. And also, lastly, conservation. I am talking about not only a Government policy on conservation which we have in place in the sense of a tax incentive for fuel-efficient cars and also tax incentives for energy-efficient home appliances, to name two, but there is a personal ethic of more conservation that we are seeing in America right now. The latest figures I know of are March 2008 versus March 2007. Because of the increased price of gasoline, we drove 5 percent less miles this March than a year ago, and that is the largest decrease or greatest decrease in energy use since energy was this high on an inflationary basis back in 1979.

So Americans are conserving price, they are conserving when they buy these fuel cell cars where you get the tax credit. But it cannot only be conservation. And too often I hear in this body: Do not drill; conserve.

You have to do drilling and you have to do conserving. But you also have to have that third factor, which is very popular with a person like me, alternative energy, because alternative energy, in the case of ethanol as an example, is good for farmers, is good for the environment, and it is good for jobs in rural America. We never thought we would have these kinds of jobs where we set up a refinery in rural America to make alternative energy. It is good for our national security, and it is good for our economic security. So you have to have a broad base.

One area in which we have done little, though, to help ourselves is the developing of domestic sources of traditional energy. For too many years, we have shunned the use of domestic affordable coal and we have hindered the expansion of our domestic nuclear energy. Why would we do that when France gets 80 percent of its energy from nuclear? Why would we not have the reprocessing of spent nuclear fuel when they do it in other countries to reduce the necessity of finding a storage place for it to such a great extent as we have in this country?

What is it that people, young people, would come to my office last fall and say: We ought to stop using coal. Well, when you generate 55 percent of your electricity on average from coal, what do they expect—that we should not have lights, we should not have electric motors on our air-conditioning, et cetera? Where do they get ideas like that?

There is something wrong when there is not some reality to what the energy situation is in this country and you should not use coal and you should not use nuclear energy. Where does that sort of thought take you? It does not meet the commonsense test that we would establish in the Midwest of something being a good idea or a bad idea.

As a result of our policies here in Washington, we have driven the exponential demand for clean-burning natural gas and pushed our oil dependency to nearly 60 percent. Yet we have done very little to increase the supply of energy to meet new demand because of an attitude of “no drill, no drill.”

What is the sense of paying \$140 for a barrel of oil, sending it over to some Arab nation where they are going to train terrorists to kill us because they do not like us? It would be better to keep that \$140 here in the United States. It would be good for our economy. It would be better for our national defense. It would be better all around.

It is intellectually dishonest to talk about the offensively high prices of home heating fuel or \$4 gasoline for our cars while also opposing every effort to increase the supply of home heating oil and natural gas that would lower these prices, a la economics 101: if you increase supply, the price goes down. It seems to me that some of my colleagues whom I listen to here—the very

same ones who are blaming high gasoline prices on the Bush administration are the very same ones who do not want to drill. It does not add up. That is why I say it is intellectually dishonest. It is disingenuous to clamor about the cost of crude oil and gasoline while ignoring half of the law of supply and demand.

Members of this body continue to point out the outrageous burden to our citizens because of high energy costs. I would suggest that some should look closely at the votes they cast that limited the development of our domestic resources. We have a responsibility here in Congress to address the underlying causes of high energy costs. That includes increasing energy efficiency, producing alternatives and renewables, and developing domestic traditional sources. In other words, let me get back to the three-finger rule: No. 1, more drilling; No. 2, Government incentives for alternative energy; No. 3, Government incentives for conservation and also what individuals can do in conservation.

I point out something that is just irrational, irrational right here on Capitol Hill. I saw it—let's see, what time was it today? It was 11 o'clock. I was out on the steps to meet with members of the Iowa FFA, the Future Farmers of America, the leaders who are here to study leadership and to learn about the political process. Lined up across this new brick area out here east of the Capitol were a whole bunch of black SUVs idling, parked and idling. Why can't we have an ethic on Capitol Hill, whether it is Ambassadors who are coming up here, whether it is the Vice President coming up here, or whether it is our own elected leaders who have chauffeur-driven cars, to turn off the cars? If you want to stay cool, come in this building and save the \$4 gas. We have to promote some leadership on conservation here, and it can start right here with the Federal Government. I do not know who owns those black SUVs. I got a couple of license plates I am going to look up. But we can set an ethic here.

But you have to have all three of these, and conservation is one of them. You can have tax incentives for conservation, but you can also do a lot of personal conservation. Even with my own staff sometimes, you drive up to park to go into a town meeting, and they sit there for 10 seconds before they turn off the ignition. I have learned to reach over and turn it off just as soon as the car has come to a complete stop or even just a little bit before.

Another problem we have in this country is the United States is the only country I am aware of that is choosing not to drill where we know oil and gas exist.

How many times have we heard on the Senate floor: There is only 13 billion barrels of oil in Alaska. It is going to take 10 years to access and get it down here. It is not going to make any difference.

That is not supposed to be a big deal? If that isn't a big deal, how come just within the last year they found 5 or 6 billion barrels of oil offshore of Brazil, and it was a big deal, a big deal from the standpoint of energy efficiency for Brazil? And it was a big point for enhancing the inventory of known oil supplies worldwide because, just like money is fungible, oil is fungible. Wherever you find another drop of oil, it has some impact on the inventory. It has some impact on supply. So it ought to be just as big or twice as big of a deal because we have 13 billion barrels of oil in Alaska, as an example.

Isn't this silly? Here in the United States, these lower 48, we have Mexico south of us, Canada north of us. They are doing everything they can to find every drop of oil they can; in Canada, getting it out of the tar sands. Yet what is unique about the United States? We are part of North America. We are right in the middle of North America. North and south of us is every attempt to get every drop of energy they can but not here. Isn't there something wrong with us when we take that attitude? But while you take that attitude, it is OK to ask the Saudis for more oil. It is OK to ask to be dependent on countries such as Iran and Venezuela for our economic security. It is OK to send \$140 a barrel over there. But, boy, don't take a drop of oil out of the ground here where we are not drilling now and keep the \$140 here. It is not OK to open areas at home where we know there is oil and gas.

As I say so often, this defies common sense. I think my constituents know it because in every one of the 14 town meetings I had Monday, Tuesday, Wednesday, and Thursday of last week in western Iowa, this issue of why we don't drill for our own oil has come up. For 4 years before that, I don't think I heard much about it. But it sure is a big deal waking up people. Maybe that is some advantage of \$4 gas. It is harmful to the economy, harmful to middle-income people, more harmful to low-income people, but it might wake up America to have a more balanced energy policy, which is threefold: drill, alternative energy, and conservation.

There are some on the other side of the aisle who wouldn't be able to point to a single area where we should look for oil and natural gas. We have four or five people on my side of the aisle. So this is just not a Democratic thing, but there are more Democrats who believe that than Republicans.

In 2006, Congress took action and voted to open 8.3 million acres in the Gulf of Mexico to oil and gas drilling. However, when the Senate considered the Gulf of Mexico Energy Security Act in August of that year, 24 Democrats, including Senator OBAMA, or 57 percent of the caucus opposed that legislation. This was even after Hurricanes Katrina and Rita ripped through the gulf without a single oil or gas incident.

Today oil is more than \$135 a barrel. Families, small businesses, and truck-

ers are suffering from the increased cost of energy. Farmers have been forced to pay outrageous prices for anhydrous ammonia fertilizer this spring because of the cost of natural gas. Ten years ago we produced domestically nearly all of our fertilizer needs. Now we are dependent upon other countries for 55 percent of that fertilizer. Congress must act to develop our resources at home. We can take action today to develop in responsible ways our own domestic supplies of oil and natural gas. What I am saying is, you can do this and not harm the environment.

A bill I recently cosponsored, introduced by Senator McCONNELL, would take action to reduce gas prices. It would allow States to explore for oil or natural gas in the Outer Continental Shelf. It would allow Governors in coastal States to petition for a lifting of a moratorium within their State boundaries. The Pacific and Atlantic regions of the Outer Continental Shelf, which this bill would allow for leasing, hold an estimated 14 billion barrels of recoverable oil and 55 trillion cubic feet of natural gas. But a moratorium currently prohibits production in those very areas. The Gas Price Reduction Act would take sensible action to allow these resources to be developed.

It is time that we end the obstruction of reasonable, environmentally responsible development of domestic oil and gas resources.

Bottom line: I hope my colleagues will recognize the extreme burden American consumers are experiencing. It is past time to take action to increase our energy supply, increase our economic and national security, and develop the resources that God gave us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about the very serious energy situation. There is a crisis focused around gasoline prices that we face in our country. I want to start by complimenting the distinguished Senator from Iowa for doing the same, for focusing on this crucial priority that every American is facing, is struggling with in terms of dealing with the family budget. I certainly agree with my colleague, this is the No. 1 concern of every American I talk to. Literally everyone I talk to says this is the top priority. This is a true crisis. This isn't just hitting me in the pocketbook every day, every week, every month. This is threatening our future. This is threatening our economy.

Given that, there is an obvious question that those same Louisianans and Americans are also asking. The question is, why isn't Congress acting? They hear us talking and making speeches and squabbling back and forth, but the obvious question they are asking is, why isn't Congress acting on this crisis that all of us face every day, every week, every month, that threatens our families' futures, that threatens our economy?

I don't have a good answer. Congress should not only talk and make speeches and jabber about this, but Congress must come together in a bipartisan way and act. Congress must take the advice of the distinguished Senator from Iowa and not do either/or, this or that, no just this, no just that. We need to do all of the above. Our energy situation is so dire, we need to use less and find more right here at home. And we have the ability to do that. So, once again, why aren't we acting?

Unfortunately, right now this question could not be clearer because while Americans in every State of the Union face this challenge every time they go to the gas station, every time they look at their family budget, the Senate is doing something very different. The distinguished majority leader is planning to turn from the legislation on the Senate floor now regarding housing and next take up not energy, not gasoline prices, but a bill that would triple the level of foreign aid that we send overseas in terms of AIDS relief. AIDS is a very serious worldwide problem. But let me say two things. First, under President Bush's leadership, the United States has led the world in addressing that issue, particularly in Africa, in a very aggressive way. I support that. President Bush has led that, with others in the private sector such as Bono. But we are doing that.

The question I am bringing up is, is it really appropriate now at this moment to take up a bill to more than triple that foreign aid rather than taking up a bill to address energy and gasoline prices by using less and finding more right here at home?

I can tell you what the American people would say. Everyone in the State of Louisiana, everyone I know across the country would say: that is not a close call. That is not a close call. Global AIDS is a huge problem, and we have acted aggressively to help address it. The United States has led in that effort. But what is hurting us every day, every week, every month, every time we go to the gas station, every time we have ever more painful discussions at the family kitchen table about the budget, what is impacting us is gasoline prices and energy. They would say that is not a close call.

In this context, I urge the majority leader to turn to what is clearly the top priority of the American people. It is real simple. They elect us to come to the Senate, to come to the House and act together as grown-ups in a bipartisan way to solve real problems. It is also real simple: The biggest very real problem they face is gasoline prices and energy. Why aren't we acting? They are asking that over and over. Yes, we talk and speechify and jabber and often finger point, but why aren't we acting?

I believe the solution is simple. As soon as we finish the matter which we will hopefully wrap up today, the housing bill, we should turn to what is by far the top priority, worry, concern of

the American people. We should turn to legislation to directly address gasoline prices, the energy situation, by both using less at home and finding more right here at home to lessen our dependence on foreign sources.

Again, that is a pretty clear choice. What do we go to next? The distinguished majority leader's suggestion is a bill to more than triple the foreign aid we already send overseas for HIV/AIDS relief. Again, that is a serious issue and a serious problem. We have been addressing it in a serious way: \$15 billion for that program under President Bush's leadership. But the question is, what do we do next? Turn to a bill that would more than triple that or turn to a bill to address the top concern, bar none, of the American people, gasoline prices and energy? I would obviously suggest the latter.

There are lots of ideas around about what we need to do on the energy front. The first consensus we should reach is that we should do a whole lot of these ideas. It is not either/or, one side or the other. It is not just conserve or just drill. It is, as the distinguished Senator from Iowa said, all of the above. We need to use less and find more and produce more right here at home.

Many of us, well over 40 in this body, have come together around such a bill. That bill is S. 3202, the Gas Price Reduction Act. That bill is aimed to directly address this current gasoline price crisis and the current energy situation. It would do it in a broad-based way, not everything under the Sun. It is fairly focused, but it would do it in a broad-based way by both using less and finding more, producing more right here at home. It has four main components, each of which is important.

First of all, let me mention the component I worked very hard on. I drafted this component as a stand-alone bill, but the main outline of the provisions was also adopted in the broader bill; and that would be to open our vast, significant resources of oil and natural gas that lie in our ocean bottoms off the coasts of the United States.

When I explain this to most folks in Louisiana, they are stunned that we have major, significant untapped resources in our ocean bottoms well off our coasts, but Congress has acted in the past to take almost all that off the table. In fact, of all those oil and natural gas resources we have in our ocean bottoms off our coasts, Congress has said we cannot touch 85 percent of it.

Fifteen percent, yes. That is mostly in my part of the world, in the Gulf of Mexico, and mostly the western gulf. But for 85 percent, Congress has said: No. Can't touch that. Can't get that. Yes, it will lessen our dependence. Yes, we can do it in an environmentally sensitive way. Yes, we have new technology. Yes, we have lateral drilling, horizontal drilling, and the like, but you can't touch that. Eighty-five percent of that is off limits.

The first component of our bill, S. 3202, the Gas Price Reduction Act,

would say we can go after those resources that are 50 miles or more off our coasts if the host State involved wants us to do that, and if we give a fair revenue share of 37.5 percent to that host State to compensate that host State for any difficulty and involvement and partnership involved.

In so doing, that would be expanding on a very important precedent, a very important policy we set 2 years ago when we established that historic revenue sharing specifically—37.5 percent—in opening new areas of the gulf. So that is part 1 of the bill.

Part 2 of the bill turns to the enormous resources we have on land in the United States. It turns to States in the Western part of the United States, where there are enormous shale resources, and says: We will allow production of energy in those shale deposits. If you think it is maybe the wrong policy to put 85 percent of our resources offshore off limits, in the instance of Western shale, it is worse. Congress has put 100 percent of that energy off limits because of a bar, a moratorium, Congress has set saying: We cannot use any of that energy.

Once again, the American people are stunned. They do not get this. They face a real crisis in terms of energy. They know more supply, particularly here at home, can stabilize prices, can increase our independence, and yet a majority in Congress is saying: 100 percent of that is off limits. That does not make sense. So part 2 of this bill, S. 3202, the Gas Price Reduction Act, would allow exploration in those Western shale deposits.

Part 3 turns to the demand side because it is not either/or. It is not just one thing or just another. It is not drill, drill, drill, and do nothing else. But we also need to conserve and use new sources of energy. So title III of the bill would create major new incentives to push forward technology and bring it to market more effectively in terms of electric and plug-in cars.

That is a very exciting technological development that is progressing. But we can push it along. We can create tax and other incentives to hasten the development of larger batteries so these plug-in cars can be part of the answer in terms of our transportation issue, can lessen our use of gasoline, can lessen our reliance on dangerous foreign sources. The third part of the bill does that. It creates major incentives. It is a major push to the development of more plug-in, electric, and related technology cars that can lessen our demand.

Then, the last part of the bill, part 4 of S. 3202, the Gas Price Reduction Act, would look at this very worrisome issue of speculation. It would give new power, new authority to the agency that has authority and a role in the regulation of speculators. It would put more policemen on the beat, if you will, to make sure there is not inappropriate, out-of-control speculation that may be running the price up even more

than the normal forces of supply and demand.

So that is part 4 of the bill, addressing legitimate concerns about speculation, putting more cops on the beat, giving more authority to those regulatory bodies which are supposed to be looking after that issue.

These four components of this bill are not the only four good ideas out there. There are plenty more good ideas. There are plenty of other things we do need to do. I would like to open up ANWR, the Alaska National Wildlife Refuge. I would like to put additional incentives in place for fuel efficiency and conservation and new sources of energy. There are a lot of exciting possibilities in my own State of Louisiana for certain biofuels, including that produced from sugar, that produced from new crops with sorghum, and other very promising biofuels that do not have nearly the significant impact on food and commodity prices as ethanol does.

So we need to do more. These four parts of this bill are not the only four good ideas out there. But we need to have this debate in a grownup, bipartisan way. We need to come together with all the good ideas out there and present them in the best tradition of the Senate, which is open debate and open amendments, and then—and this is the most important part—and then we need to act. We need to stop simply speechifying, simply posturing, simply talking, and act.

So I believe we must turn to this top concern and priority of the American people next. I believe we should not move from this housing bill which we are on right now to a bill that would more than triple our foreign aid that currently goes overseas to combat the very serious problem of AIDS and HIV. But instead we should turn to the top priority of the American people: gasoline prices and energy.

With that in mind, I offer a very simple and straightforward unanimous consent request. It would say: Yes, this is the top priority of the American people, so we are going to turn to it, and we are going to have an open debate, and we are going to let amendments come to the floor, we are going to have an open process and actually have debate and votes on all those amendments, and then we are going to act because that is what the American people want.

UNANIMOUS CONSENT REQUEST—S. 3202

So, Madam President, in that spirit, I ask unanimous consent that upon disposition of H.R. 3221, the housing legislation, the Senate immediately proceed to the consideration of calendar No. 854, which is S. 3202, the Gas Price Reduction Act, a bill to address record-high gas prices at the pump; and I further ask unanimous consent that there be 4 hours of general debate, equally divided, and upon the use of yielding back of that time, the Senate then proceed to consider amendments to the bill in a full and open amendment process, as is the tradition of the Senate.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, on behalf of the Democratic leadership, who intends to bring a comprehensive bill to deal with gas prices to the floor, I have to object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, reclaiming the floor and reclaiming my time, let me say that is very unfortunate. I am sure the American people are excited to hear that Congress might get to it someday. The problem is, they have been straining under these record-high prices for months and they have been looking at Congress and they have been seeing a lot of hot air and no action. Now what they see is the Senate taking up a bill to more than triple foreign aid that we send overseas for HIV/AIDS relief rather than taking up what is the most important challenge and crisis they face every day: High gasoline prices and our energy situation.

In my mind, nothing could underscore more clearly how out of touch the distinguished majority leader is from the concerns of the American people. We need to turn to this—not sometime, not in the future—we need to turn to this now. We need to recognize—not sometime in the future—that this is an issue. We need to recognize now that this is the top issue, bar none, of the American people, and we need to act.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, parliamentary inquiry: I understand we are in morning business?

The PRESIDING OFFICER. Senator, the Senate is considering a motion to disagree to two House amendments under cloture. But Senators have requested time to speak as in morning business.

Mr. MENENDEZ. Let me ask another parliamentary question: I am free to speak at this point without limitation?

The PRESIDING OFFICER. The Senator may speak for up to 1 hour on the question before the Senate or the Senator could request to speak as in morning business.

Mr. MENENDEZ. Thank you, Madam President.

Madam President, I am going to speak on the motion, and that is the main purpose of my coming, but I do wish to say that, in fact, we will be having a gas price bill and dealing with those issues on the floor very soon. I know the Senate Democratic leadership intends to bring such a bill, but it will be a bill that is, hopefully, comprehensive in its nature and creates real opportunities to reduce gas prices and meet with the challenges.

One of the factors we have today that we could get going on already is the 68 million acres that the oil industry al-

ready has access to and is largely not drilling on. So before we ask for more, why don't they move on that which they already have to drill on?

Secondly—

Mr. VITTER. Madam President, will the Senator yield for a question?

Mr. MENENDEZ. Madam President, after I make my statement, I would be happy to.

Secondly, I think Americans would be shocked to know that a lot of the domestic production in the country is sold abroad. It is not used here at home. That is something we want to deal with as well, and that will be part of a comprehensive bill that will come forward.

Those are two items that could be dealt with immediately. I think it is critical, and one of those two does not even need a legislative response, although, unfortunately, it is going to have to get one because the industry is not pursuing 68 million acres they already have. So that is alarming.

I am glad to hear that some of my colleagues on the other side of the aisle finally agree that market speculation is a critical part of this issue. We have been at this for some time, and this is the first time we have heard that is a critical component. It is a big part of what many of the oil industry executives have testified to before Congress.

Finally, I would note it is interesting to me, we brought bills here on critical extenders in the area of making sure that renewable energy sources were incentivized and brought to the mass market concentration we need so we can break our dependency on oil, period, whether it would be foreign or domestic, and our colleagues on the other side of the aisle objected. So you cannot have it both ways.

I am happy to yield to the Senator for a question.

Mr. VITTER. Madam President, I thank the distinguished Senator. My only question, which I propose through the Chair to the distinguished Senator, is, I am excited to hear we might turn to all these issues sometime in the future. I would like to know what that timetable will be. Specifically, will the majority leader give us assurance that we will turn to this in a full way, in an open amendment process, before the August recess?

Mr. MENENDEZ. Madam President, reclaiming the floor, I will be happy to give my observation. I do not pretend to speak for the majority leader in this regard, but I do believe that, in fact, we will see such action before this recess is over, maybe as early as next week. So I am very hopeful, and believe very much so, that it is every intent of the majority to deal with this in very short shrift.

Mr. VITTER. Would the Senator yield for another question?

Mr. MENENDEZ. I would be happy to yield for one more question before I get to the focus of my statement.

Mr. VITTER. That would be the second part of my unanimous consent re-

quest which is very important for consideration of these issues, to involve a full, open amendment process on the floor of the Senate, rather than the distinguished majority leader doing what he has done every time in the recent past, which is filling up the tree and blocking amendments.

Mr. MENENDEZ. Reclaiming my time on the floor, let me simply say, it is always the majority leader's desire to have a full and open debate of the Senate. However, there are those of our colleagues who wish to use that full and open debate to pursue amendments that have nothing to do with reducing gas prices and dealing with our energy crisis or to be able to pursue a course that can bring conclusion to a bill and would give that type of relief to the American people but string it out and string it out on issues that are not relevant. That is when the majority leader has faced the necessity of moving in a different direction.

So I do have the expectation that we will have a good debate and, more importantly, we will have a good bill that will be comprehensive and that will give relief to the people, and I am happy to have answered my colleague's questions.

The main purpose for which I come to the floor as we debate the housing bill is to rise again to be a voice for those who have no voice in this housing crisis. Certainly, one of my colleagues on the other side of the aisle seems to not to hear the cries of children who are being, in one respect, punished through no actions of their own—2 million of them in this country.

I am not talking about homeowners, although I am certainly pleased that the bill we are considering today will have a powerful impact on our Nation's families. I am not talking about those on Wall Street, as they seem to be the first group the administration rushes to support. I am talking about our Nation's children.

I rise on behalf of nearly 2 million children who will be directly impacted by the mortgage crisis. These children are not only taking a huge hit as padlocks get put on their front doors, but now they are likely taking another hit, as my colleagues on the other side of the aisle threaten to block a critical amendment that could give them relief.

My amendment authorizes \$30 million in additional funding to the existing McKinney-Vento Homeless Education Program to support these children. By the way, these children didn't decide to go out and get a mortgage. They had no legal authority to make those decisions. They are the ones who get swept up in this process. They are, for all intents and purposes, the worst victims of this process.

As I said, an estimated 2 million children and young people, including 50,000 children in my home State of New Jersey, 20,000 in South Carolina, to mention one other State, and over half a million Latino children nationwide

will be directly impacted by the foreclosure crisis, placing them at risk of poor school performance, behavioral problems, and other challenges as well. What happens is they lose not only their home, they lose the school they go to. They get moved around. They don't have a home and they get moved from school to school. If you are a student—and it is not so long ago that I can't remember—and you get yanked in and out of school, in and out of school, your ability to perform is simply undercut dramatically.

In one school district in New Jersey, the number of homeless students doubled—doubled—this year, from 200 last year to 423 this school year, and that is only in one school district. The foreclosure crisis is clearly having an impact, and the time is now to stop any more schoolchildren from being affected.

An infusion of funds into the McKinney-Vento Homeless Education Program will help to ensure that students who become homeless and are forced to move from their homes do not also have to leave their schools.

There are some who may be able to shrug this off as a small sacrifice. They are the victims of this process or they are the calamities or casualties of this process, but there is nothing small about the impact of changing schools during this type of crisis. These children are less likely to perform at grade level in math and reading, more likely to be held back, less likely to graduate. There are long-term consequences to what for some may seem a short-term crisis.

They are likely to have behavioral issues. One study found that kids forced to move frequently were 77 percent more likely to have behavior problems than their peers. Another study found they were 20 percent more likely to have violent behavior. Now, what is the cost going to be to us collectively in our society when that happens?

At the end of the day, these children are forced to say goodbye to not only their home they grew up in and have had to leave their friends behind, but they also have had to leave behind familiar schools and supportive teachers and return to a strange home at night where their lives are often turned upside down. All stability is gone. They are thrown into a riptide with no lifeline, while we sit here in Washington hoping they survive the storm. Hoping is not enough. We have to do more than hope for them; we have to give them a lifeline. This funding would actually help these children.

The McKinney-Vento Homeless Education Program provides homeless students with a variety of supports such as transportation to school, tutoring, and counseling.

Children are the voiceless victims of the foreclosure crisis. As we lower interest rates, as we support the home building industry, as we reform mortgage lending practices, several chil-

dren's organizations and education organizations have asked for this amendment as a modest way that our Nation can support the nearly 2 million children who are suffering the consequences of decisions made completely outside of their control.

The foreclosure crisis is damaging our economy, yes, but let us not forget the children are the real victims of this crisis, and—even worse—they are the silent victims. They can't speak up for themselves. They have no lobbyist here in Washington roaming the halls, advocating for them. It is not fair that these children get lost in the paperwork. They deserve our full support.

This amendment is cosponsored by several of our colleagues, including Senator MURRAY and Senator BROWN, and it has the full support of Senator KENNEDY. I wish to thank Senator ENZI, who worked with me on the language for this amendment to make it acceptable, and Senators DODD and SHELBY, the chair and the ranking member of the committee, who agreed to include it in their provision in the managers' amendment. Had I known that in fact we were going to have the objection of one of our colleagues to a bipartisan package, I would have sought an individual vote, but I am beyond that ability today.

In conclusion, USA Today, the Los Angeles Times, and the Chicago Tribune have all written about this critical issue, and a number of respected groups also support this amendment, including First Focus, the National Association for the Education of Homeless Children and Youth, the National School Boards Association, and the National Education Association, to name a few.

We have an opportunity to do something for these children. I hear great speeches on the Senate floor about family and values and the value of families and the value of our children and how our children are, in fact, our No. 1 asset, and that is true as a nation. They are also our most vulnerable asset. Yet when it comes time to be able to help these children, the question is: Is Congress going to listen?

Our colleague on the other side of the aisle seems to not be listening to their challenges and their pleas. One Member is likely going to block this and other important amendments, and the result is that our children, once again, are going to be unheard and are going to be the victims of something they had no role in creating; something that, in fact, where they are going to find themselves not only homeless but also having the foundation of their educational opportunities completely disrupted in a way that will more likely create failure than success.

I hope my colleagues who talk about family values understand the important value of helping our children in this regard. We have to reconsider our priorities, and I, for one, don't intend to rest until these children receive our help and get our support.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Madam President.

Legend has it that as Rome burned many years ago, the Emperor Nero stood on his balcony and fiddled. Now, we know he wasn't exactly fiddling because the fiddle was not invented until over 1,000 years later, but we do know that he became synonymous with people who don't get it, who don't get the urgency and the seriousness of the issues they are dealing with. If there has ever been an organization that fit that metaphor better than Nero himself, it is this Congress, because clearly Congress is fiddling while America is burning.

Americans are hurting. It is no exaggeration. We hear it talked about here on the floor, but all we do is talk about it. Gas prices are literally tearing families apart. Electric utilities have announced they will raise their rates by over 30 percent because of the increase in the cost of fuels. The speeches here on the floor of the Senate have tried to blame everyone but the people who are responsible. We try to blame big oil or speculators or Bush, when anyone—any thinking American who looks in—can conclude immediately that over the last 20 years this Congress has stopped the development of American energy and allowed us to be held hostage by other countries and has allowed prices to go up to the point that Americans are now being badly hurt.

What do we do when it becomes obvious that our lack of energy and our dependence on foreign oil is raising the prices to the point that Americans can no longer live; that \$700 billion a year is leaving our country, devaluing our dollars, and causing us to borrow more and more money as a nation? At a time of war, at a time of debt and economic downturn, what do we do? Well, I can hear the fiddling coming from the majority leader's office and the Democratic cloakroom. The fiddling is filling this place up because all we are doing is fiddling.

We are talking about climate change legislation that would add huge taxes to energy in America and run more jobs offshore. We have spent this week talking about how we are going to bail out the mortgage industry which made loans that they shouldn't have made for people buying homes that were more expensive than they could afford. We want to bail them out. We want to borrow over \$300 million from the future—from our kids and grandkids. We are doing this while people at home are hurting because of the cost of energy and gas prices.

Now, incredibly enough, the fiddling noise gets louder, because the majority leader wants to go to a foreign aid package. He wants to borrow \$50 billion more and send it to different parts of the world—with good reason, for good causes. Certainly HIV and AIDS in Africa and other parts of the world is a

distressing problem that we would love to help with as Americans if we could. However, at a time when Americans are hurting, when we are at war, when the economy is in downturn and our country is facing debts we have never seen before, should we borrow another \$50 billion and spend another week debating while we fiddle instead of doing something to increase the energy supply here in America?

It is time for us to act as a Congress. Americans expect us to act as a Congress to open up America's energy, to develop more supply as we develop alternatives and learn to use less. We cannot allow ourselves to be brought to our knees as a nation because we are so unwilling to do what anyone with common sense would tell us we need to do, and that is open our own energy supplies.

It is incredible, if you look at the last 20 years, that we have cut off nuclear generation and natural gas development, oil and gasoline, and now we are trying to blame someone else. Congress does not get it. Congress does not recognize the seriousness of what is going on. We want to change the subject, and that is what the majority leader is trying to do now—go to another subject and spend another week doing something else, giving away more American resources, selling off and borrowing on our future. It is time that we do something. I agree with the Senator from Louisiana and his unanimous consent request.

I advise the majority that I will make a unanimous consent request at this time. I am not sure if the Chair is ready to deal with this. Would the Parliamentarian advise me if I can make that request now?

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from Minnesota, on behalf of leadership, objects to that.

Mr. DEMINT. Well, before we start fiddling, I have not made the request yet.

I ask unanimous consent that upon disposition of H.R. 3221, the housing legislation, the Senate immediately proceed to the consideration of Calendar No. 854, which is S. 3202, the Gas Price Reduction Act, a bill to address record-high gas prices at the pump.

I further ask unanimous consent that there be 4 hours of general debate, equally divided; that upon the use or yielding back of time the Senate then proceed to consider amendments to the bill in a full and open amendment process, as is the tradition of the Senate.

The PRESIDING OFFICER. As Senator MENENDEZ did, in my capacity as a Senator from Minnesota, on behalf of leadership, I object.

Mr. DEMINT. Obviously, I am disappointed that we are still unwilling to address a very basic energy bill that would open deep sea exploration in our country and would allow us to access oil shale in the middle of the United States to help create incentives for electric cars.

These are simple things that Americans know we need to do. We need to proceed to it immediately, and we need to stop fiddling. We don't need to spend another week talking about foreign aid when we have yet to help Americans who have elected us to support them in our own country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the motion to disagree with the House amendment. Senators can request to speak as in morning business.

Mr. GREGG. I will speak on the bill. I wish to associate myself with the comments of the Senator from South Carolina. I am not sure why, when it is costing \$4.40 to put a gallon of gas in your car, when we are looking at a winter where energy prices may be as high as \$5 a gallon, which is going to just overwhelm and create a horrific situation in parts of the country like my own, where people's ability to survive depends on their ability to buy heating oil, why we would be moving to a bill which essentially, dramatically expands an AIDS program in Africa.

Now, the PETFAR Program has been a success, and I congratulate the administration for initiating it. We, as a people, are very compassionate. We have made a commitment to Africa and the nations there to help them with this terrible AIDS epidemic they are dealing with. There is no question but to take a hard look at this program and making some good decisions on improving it is appropriate. But certainly on our list of priorities it should not be above doing something substantive on the issue of how we increase supply in the area of energy in this country and how we energize more conservation in the area of energy in this country.

We, as a people, need to pursue a course of more production—American production—and more conservation. There is much this Congress can do to assist in this area. It needs to be done now because—at least in production—there is significant lead time. But the one thing we could do which would affect the price of oil and which would impact the speculation in the marketplace that is occurring today is to make it clear that we, as a government, are going to support initiatives that are reasonable, environmentally sound, and will produce significant amounts of new energy through production. That will have an immediate impact on those folks out there who are driving up the price of oil.

The price of oil is driven up as a result of people presuming that supply will be stagnant and will not expand and, therefore, demand, as it goes up, will increase price. If we can put in place policies which increase production, and therefore supply, and make an American product, we will do two

very good things: We will reduce the speculation in the price of oil and thus cause it to go down. Secondly, we will actually be producing American product and spending American dollars—hard-earned dollars—in America rather than sending them over to nations many of which don't like us to begin with.

So there are at least three major areas of production we should be pursuing and which we need legislation on to pursue. The first is drilling on the Outer Continental Shelf. We know we have years and years of supply in the Outer Continental Shelf. But it is locked up by legislation that was initiated by the other side of the aisle, which essentially took off limits almost all the new, available resources on the Outer Continental Shelf. What has been proposed and what is a reasonable approach is that States that believe they are willing to pursue drilling off of their shores—over the horizon, by the way, 50 miles out in most instances—following the example of Louisiana, for example, and Mississippi and Alabama which already do this, States such as Virginia, for example, which has said they may be willing to pursue these resources, that they be given the option to do that and not be told they cannot do it, which is what the law says now. That is reasonable. It will open a huge amount of potential supply of both oil and natural gas.

In addition, we know we have more oil reserves in oil shale in three States—Colorado, Wyoming, and Utah—than all of Saudi Arabia has. We have three times the amount of reserves Saudi Arabia has, and the oil shale can be recovered in an environmentally sound way, and the recovery doesn't require anything to happen at the surface. It is all done under the surface. The technology is there and it is viable and it is economically viable when oil exceeds \$70 a barrel or maybe \$60 a barrel. We know we can do it.

But we are stopped from doing it by rules and regulations put in place by the Congress and by the prior administration. We ought to revisit those. We ought to debate those on the floor of the Senate. We ought to be willing, in my opinion, to pursue programs that will, in an environmentally sound way, use that oil resource, which is so huge—huge—and which is American oil. We will be using American product rather than product that comes from nations that not only don't like us but, in some cases, want to do us harm.

Thirdly, we have the issue of nuclear power. France gets 80 percent of its energy from nuclear power. China is adding new nuclear powerplants all the time. We have not added a new nuclear powerplant since the late 1980s. Nuclear power is clean energy. People who are concerned about the environment—as many of us are, and I think most people are—and about the issue of global warming, nuclear power is an energy source that has no impact at all on global warming. It has no emissions.

We know how to make nuclear powerplants that are safe. Nobody has ever died in a nuclear accident in this country. More important, when you look at nuclear power as an energy source, it is American made, American produced, and it means that instead of having to buy product from overseas to produce our electrical energy, we can produce it here with American product, made in America through nuclear powerplants. We should be adding nuclear powerplants. We made some improvements in the regulatory process, but it still is an extraordinarily long process to bring on line nuclear powerplants.

In fact, in France, I think it takes something like less than 2 years to license and get a powerplant on line. In the United States, we are looking at 4½ years, or something like that, to license it, to get the plant under construction. It takes longer to construct them, obviously.

So there are things we can do in this area. Those are the areas of production we should be aggressively looking at. They are controversial, and they should not be at a time when oil is at \$140 a barrel and gasoline is costing us \$4.50 a gallon and home heating oil is costing as much as \$4.85 a gallon. At a time like this, we should be looking at those resources that can be produced in the United States and that will take the pressure off of our economy.

One of the big problems with the price of oil and energy and gasoline, beyond the fact that it is stretching the average American's budget, people are legitimately worried and fearful about what will happen to them this winter. One of the other consequences of the price is that we are taking a huge amount of American capital, hundreds of billions of dollars' worth a year, and instead of retaining it in the United States where it can be used and reinvested and produce jobs, it is being sent overseas on a daily basis. Some of it is coming back through investments in our bonds, but we are then paying interest to foreign governments and foreign individuals.

It would be much smarter of us to try to reduce our dependence on foreign oil by increasing domestic production. We need to aggressively pursue programs of conservation and renewables also. That is why the Ensign-Cantwell bill on extending renewable tax credits is so important. I am sorry we have not been able to get to that and it has been blocked. That should be passed. Clearly, conservation needs to be aggressively pushed.

So we should be producing more, and we should be using less. What we should be producing more of is American product. I think next week, rather than debating whether we should expand a foreign aid program by three times—the program was initially a \$15 billion program, and it is proposed to take it up to \$50 billion—rather than debating that, an authorization bill, we should be focusing on what America really needs to have done today, which is address the energy needs.

I understand the Senator from Texas may make a unanimous consent request here. If he does, I certainly hope it will be accepted. It is reasonable that we should be pursuing and addressing those in the Senate—how we are going to produce more and use less. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I want to say to the Senator from New Hampshire that I agree with virtually every word he said about the urgency of this issue. Frankly, I do not understand why next week, as reported, if it is true, we intend to turn to a foreign aid package of \$50 billion, which is authorization for new spending which is not offset in any way—in other words, our children and grandchildren will end up paying the price—instead of dealing with what is the most urgent problem facing the country, which is the impact of high gasoline and high energy prices.

The Senator from New Jersey, Mr. MENENDEZ, said it was the majority leader's intention to bring an energy bill to the floor sometime before we break in August. I hope that is true. It is welcome news if that is, in fact, the case, and I would love to have the majority leader reassure us that is his intention.

I do not think it is responsible for Congress to adjourn for the August recess, I do not think it is responsible for us to go home having not done anything to help the American people with the pain they are feeling at the pump which, of course, is rippling through our economy in hundreds of ways, not the least of which is driving up the cost of food because of the increased energy consumption for our farmers to grow it, harvest it, and then get it to markets. It is hard for me to think of an issue that is more urgent in terms of our economy.

The housing bill which is on the floor today and which has been on the floor for a while is an important piece of legislation. But I tell you, Madam President, I believe if we are successful in dealing with the subprime loan crisis and housing crisis, the economic impact of high energy costs may well dwarf the impact of that on our economy and the ripple effect, as I say, that it will have.

I hope the Energy bill the distinguished Senator from New Jersey, Mr. MENENDEZ, mentioned that the majority leader plans to bring to the floor includes something other than what our friends on the other side of the aisle have proposed previously when it comes to so-called Energy bills, things such as windfall profits taxes, which has been tried before and found to actually diminish domestic production in this country in a time when we ought to be encouraging more production so we rely less on imported energy from places such as the Middle East.

Then there is this idea which I can only characterize as crazy of suing OPEC, the Organization of Petroleum

Exporting Countries, not the least of which I wonder where in the world you are going to find a court that somehow is going to accept jurisdiction of an antitrust claim against sovereign foreign nations and what the impact would be in terms of waiving of our sovereign immunity to allow suits to go forward in those other countries. I think it would have a dramatic impact on our international relationships. But assuming you could do it, what would you ask the judge? What kind of relief would you ask the judge to award if, in fact, we could have a lawsuit against the Organization of Petroleum Exporting Countries? The only one I can think of is ask the judge to order them to turn the spigot open wider, which does nothing to diminish our dependency, which does everything to increase our dependence.

The fact is, if you talk to any impartial observer, you will find out there is rising demand for the oil that is being produced globally in countries such as China and India, with more than a billion people each. They are buying cars, they are consuming gasoline, and they are using more and more oil. The problem really is multifaceted but primarily driven by increased global demand because other countries want the kind of prosperity we have come to enjoy by making a claim to 20 percent of the oil being produced globally, using 20 percent of it right here in the United States.

I agree with the Senator from New Hampshire, who says we need a multipronged approach. We need to become less wasteful and more efficient and conserve energy because it makes sense to do so. It is the responsible thing to do. But then we need to deal with more than just the demand side. We need to deal with more supply.

It has been interesting to me to see polling that has been done over the last few months which has demonstrated a pretty dramatic change in attitude of the American people. It is one thing to say we don't want to explore and produce oil from the submerged lands along the coastline of the United States or to go onto the western lands where the oil shale lies or to go to Alaska, to the Arctic, where Alaskans overwhelmingly want to allow production. It is one thing to say we are not going to do that when gasoline is at \$2 a gallon. It is another to say we are not going to do that when gasoline is at \$4.11 a gallon, which it is on national average today.

Of course, there is really no indication whatsoever that prices are going to continue to go anywhere but up because demand is going to continue to go up and prices are going to continue to go up if supply remains static. That is good old supply and demand.

We do need, particularly as we transition to different types of alternative energy, particularly when it comes to transportation, things such as coal-to-liquid technology that has been used by the U.S. Air Force to make jet fuel

to fly our B-1 bombers and B-52s. We know the technology exists, so why aren't we doing more of it? We need to be doing more of that, to find alternatives to dependency on oil.

We also need to be doing more when it comes to electricity generation because ultimately we are going to be driving around in a different fashion in the years to come than we are today, perhaps in vehicles such as plug-in hybrid cars, which are going to be introduced by many of the major car manufacturers come 2010, where you literally will have a battery in a car you can plug into an outlet at night and drive that car the next day. Again, the electricity is going to have to come from somewhere. Right now, it comes from nuclear, natural gas, and coal.

We know the pollution concerns about burning coal. So I agree with the Senator from New Hampshire, we are going to have to increase the use of nuclear power in order to get that electricity production up as our economy continues to grow.

The consequences of Congress's inaction—and it is not just a passive inaction; it is actually the fact that Congress has imposed a ban since the early eighties on about 85 percent of our domestic energy supply in America. On the oil shale out West, there was legislation slipped into a bill just last year that banned the development of that shale out in the West that could produce a huge volume of oil.

This is perhaps the most urgent issue confronting our economy, confronting our national security, and affecting working families in the State of Texas and around the United States. The fact that Congress would even dream of taking its August recess without addressing this issue and allowing for an opportunity for an appropriate debate and offering amendments and then voting on those amendments to me is unthinkable. So I hope the majority leader will not allow us to adjourn for the month of August before we address this issue in a realistic way. I do think there is some basis for a bipartisan compromise.

I see the distinguished Democratic whip on the floor. I read—I trust these comments were reported accurately—that he said he was not opposed to domestic production. That is positive. I see the Gang of 14 who met previously on judicial nominations. Now we have a Gang of 10—5 Democrats, 5 Republicans—trying to come together in a bipartisan way and come up with a common ground and consensus when it comes to national energy policy.

But I tell you, it would be a terrible mistake for us just to deal with one aspect of this issue and to pretend like we have actually done something. For example, the issue of speculation on the commodities futures markets—there is a growing consensus on both sides of the aisle that we need to deal with this issue, but we need to be careful about it as well. Certainly, more transparency in the way this commod-

ities futures trading system works is important. We need more cops on the street. We need more regulators to investigate to make sure there are not abuses of the commodities futures trading system.

If we are not careful, if we overreach, we could force some of that activity to other countries. I know that is not what we would want to do, is have an unintended impact of driving those jobs elsewhere.

I am more optimistic than I have been in a while about the willingness of Congress to enter into some sort of bipartisan discussion, debate, and vote, and actually do something that will get Congress out of the way and make the Federal Government part of the solution and not part of the problem when it comes to imposing moratoria and bans on production of about 85 percent of America's natural resources.

THE PRESIDING OFFICER (Mr. WHITEHOUSE). The assistant majority leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOSEPH DUNN

Mr. DURBIN. Mr. President, the late Senator Paul Simon was my closest friend in politics. He was my boss for several years, and he is the reason I am in the Senate today.

Paul Simon used to like to tell the story about Meriwether Lewis, half of the fabled exploration team of Lewis and Clark. In the story—a true story—Meriwether Lewis returns to his hometown after helping lead the historic journey of the uncharted West to the Pacific coast. At a dinner in his honor, Meriwether Lewis tells the people of his hometown:

Patriotism is not words, it's work. It's what we do.

Paul Simon believed that, and he surrounded himself with others who shared that belief. Patriotism is not words, it is works.

For Joseph Dunn, that was the creed of his political faith. Most people in the Senate have not heard of Joe Dunn, but if you care about social and economic justice and the survival of small towns, small businesses, and family farms, you would have liked him. If you live in southern Illinois, there is a good chance your life is better today because of Joe Dunn.

Joe was the quintessential smalltown American. He loved his family, his church, and his community. For 15 years, he, too, worked for Paul Simon in the House, then in the Senate. For most of that time, he was Senator Simon's downstate director in Illinois.

When Senator Simon retired in 1996, Joe took a salary cut to work for the ICCS, the Illinois Coalition of Community Services. It is a nonprofit organization whose motto is "helping communities help themselves." Two years later, Joe became its director.

ICCS works with people in struggling communities in southern Illinois,

mostly small farm belt and coal belt towns that have been losing jobs and residents for a long time. ICCS helps residents in those towns identify their community's specific challenges and strengths and work together for a better future.

As a friend wrote:

Joe believed there was no community without assets, no individual devoid of talents. He spent his life working in partnership with these communities and individuals, taking advantage of their assets and talents. He was a kind, sweet, thoughtful, passionate man.

Last Friday, on the Fourth of July, Joe Dunn's caring heart stopped. He suffered a fatal heart attack while he was exercising at home. Joe was 55 years old. Joe learned the meaning of patriotism from his mother Johanna and his father Ben, a World War II POW and survivor of the Bataan Death March.

Joe learned about community growing up in Gorham, a small town in the Mississippi River Bottoms of southern Illinois bordering on the Shawnee National Forest. This is how Joe described his hometown last year:

The median household income of Gorham is a mere \$22,750. Kids have to be transported at least 12 miles to school. Most residents who work must travel an average 34 miles to their jobs. But in spite of this and the fact that you cannot buy either a loaf of bread or a gallon of gas there, Gorham remains.

Joe went on to say it is not unique.

The isolation that poverty has brought to Gorham affects many, many other small communities in Illinois.

Joe asked:

What can residents in such towns do to combat their isolation? They must organize . . . and be willing to work very hard to keep their sense of community intact. . . . [T]hey must also organize and join with the voices of others to let our legislators and other decisionmakers know that [residents of small towns] have the same human rights as residents of more prosperous and affluent Illinois communities.

Joe Dunn was committed to the notion that America should be a land of opportunity for all, not just for some, and he spent his life working to improve the lives of others. He worked tirelessly to better the lives of people living in poverty by changing public policy and providing creative community solutions.

Like Paul Simon, Joe believed government could be a force for good. At Eastern Illinois University, where Joe earned a degree in political science in 1975, he was the student senate speaker. He was a political natural. He knew how to build and use political power. But he used his political and organizing skills to serve others, never himself.

He brought joy wherever he went. His laughter was warm, his humor was quick but never mean. Joe always had a smile on his face.

Joe was born with a condition that left him with a pronounced limp, but he was so full of energy that you quickly forgot he had any physical limitations, and he had so much faith in the

ability of everyday people to change their lives so the people with whom ICCS were working forgot about their supposed limitations.

Under his leadership, ICCS helped dozens of communities create community development programs, neighborhood cleanup and rehabilitation programs, community policing programs, and volunteer community libraries. Joe helped establish afterschool programs and school and summer lunch programs that fed tens of thousands of young people in my State. He helped create new partnerships between community and faith-based groups, and new bridges between generations.

Before joining Senator Simon's staff, Joe worked for the Illinois Farmers Union-CETA, and he coordinated summer youth programs in four southern Illinois counties. He was a member of the Governor's Rural Affairs Council, the Illinois Poverty Summit Steering Committee, the Illinois Collaboration on Youth and the Service Learning Task Force of the Illinois State Board of Education and the Steering Committee of the Alliance of Communities for Faith and Justice.

Through these programs, and the people he inspired, Joe's work will live on.

Days before he died, Joe sent some friends an e-mail that ended with these words:

By the way, happy 4th of July, and remember that one of the most patriotic things we can do is strengthen our communities.

He was a profoundly good man who made life better for many people and a great friend of mine. I can't tell you how many times we worked together on projects in communities around our State. We had this common political heritage in Paul Simon. It rubbed off, I hope, on me but certainly on Joe Dunn. I knew Joe was going to live up to those values, those Simon values that inspired so many of us over the years.

What a tragedy it was to learn of his passing on the Fourth of July. When Kappy Scates in my downstate office contacted us, it was hard to believe. Joe was too young, too alive, too necessary. But now he is gone.

In closing, I wish to extend my deep condolences to Joe's family, especially his wife Tempa; their daughters Abby and Katie, and the two grandchildren Joe loved so much, as well as his many friends. Joe Dunn has left his legacy in my State of Illinois. His caring heart may have stopped on the Fourth of July, but his caring for the people of my State will not end.

REPUBLICAN FILIBUSTERS

Mr. President, I listened a minute ago to the Senator from Texas talking about energy, and I thought to myself: Doesn't he remember that a few weeks ago we brought energy bills to the floor and we asked him and the Republicans to join us in a bipartisan effort to deal with the gasoline prices in this country? Is he suffering from political amnesia? Has he forgotten that we tried unsuccessfully over and over to get a

bipartisan group of Senators to start the debate he is begging for today?

I took a look at some of these rollcall votes to try to remember who was on which side when it came to bringing up the issues, and here we have, for example, a vote on June 10 of this year—June 10, not that long ago, less than a month ago—and we were trying to bring up the basic tax credits for energy development in this country—something that is about to expire and that we want to make sure will go forward. Unfortunately, we were stopped. On these tax extender votes of June 10, 2008, we needed 60 votes to go forward. We had 50 votes.

I looked to see what Republicans joined us in this effort. There were three. The Senator from Tennessee, Senator CORKER, Senator SMITH of Oregon, and Senator SNOWE of Maine, which led to a total of 50. We needed 60. The Senator from Texas, unfortunately, voted against starting that debate.

So he comes to the floor today and says that we surely can't leave for the August recess until we start a bipartisan debate. Sadly, on June 10, he voted against a bipartisan debate on tax extenders.

But that wasn't the only time that day he voted against a debate on energy policy. I don't wish to single him out, but he came to the floor and made the speech, and I will make it clear that many others joined him. We brought up a bill that wasn't just an extension of tax incentives so companies could start building more wind turbines and research into renewable and sustainable sources of energy. It went further. In fact, I think it was a very balanced and proactive effort to bring down gasoline prices and to try to take control of an element that is not only hurting families and businesses but our economy. We came forward with the Consumer-First Energy bill, and we said we want to debate this on a bipartisan basis.

Here is what it said. First, we are going to roll back the \$17 billion in tax subsidies that we are giving the oil companies. Listen, they are turning in and reporting the biggest profits in their history. They don't need subsidies from Federal taxpayers. We could put that money to better use. What if we gave consumers across America a helping hand in paying for gasoline? What if we gave independent truckdrivers several thousand dollars to defray the expenses they are running into trying to fuel their rigs and make a living? I would rather put \$17 billion in that kind of tax relief than in tax relief to ExxonMobil. But that is what we are doing. So the bill said, let's change that.

The bill also said we were going to impose a 25-percent windfall profit tax on these oil companies to let them know the sky is not the limit when it comes to profit taking. There is a point where the Federal Government will take that money back for consumers,

for investment in renewable and sustainable fuels.

We also wanted to suspend oil shipments to the Strategic Petroleum Reserve for the rest of the year. Why do we keep buying this expensive oil, taking it off the market and sinking it in the ground, making it more expensive for our economy? It doesn't make sense.

We also had a provision to protect consumers from price gouging. I am afraid that is going on here. This bill gave the President the authority to declare an energy emergency and set aside excessive price increases.

We also set limitations on oil market price speculation. Most people understand that is part of the issue. We had it in our bill.

We had a clear message to OPEC by allowing enforcement actions against companies that collude to set the price of oil and natural gas.

Well, that was the bill. Those were the provisions. They could have made a difference. But in order to get that bill to the floor and to start debating it, we needed 60 votes. That is what the Senate requires, 60 votes. So we called it for consideration on June 10, 2008, and we had 51 votes. The following 6 Republicans joined 45 Democrats. COLEMAN, COLLINS, GRASSLEY, SMITH, SNOWE, and WARNER. The Senator who was just on the floor, who says we shouldn't go home in August without debating a bipartisan measure, voted not to debate a bipartisan measure on June 10, 2008.

We tried again on June 17. We believe it is important. We tried to bring up these tax extenders again to encourage the kind of investment that is necessary. Well, unfortunately, again we couldn't get 60 votes. We had 52. Republicans voting with Democrats: COLEMAN, COLLINS, CORKER, SMITH, and SNOWE. Sadly, the Senator who spoke on the floor was not among those voting to go forward on June 17. On three separate occasions he refused to vote to start the debate on this energy issue, and now he is complaining that we should be starting the debate on the energy issue.

Well, I hope he will reconsider his previous votes, and I hope he will join us in a bipartisan effort to go forward. But I must say that if we are going forward on this bill and others, then the policy and strategy of the Republican Senators has to change. This chart shows we have had 82 Republican filibusters so far in this session of Congress.

Now, people say: Is that a lot? How many do you expect? In the history of this Senate, there have never been more than 57 filibusters in a 2-year period. So far, in a little over a year, we have had 82 Republican filibusters. What is a filibuster? A filibuster is using the Senate rules to stop the debate on a bill, to stop the debate on an amendment or a nomination. Any Senator can stand and do that, and then you have to wait 30 hours and see if you can get 60 votes together to overcome that Senator's filibuster.

Well, we have 51 Democratic votes. When you do your Senate math, you find out we need nine Republicans to join us to move forward on anything. Eighty-two times the Republican Senators have stopped debate on issue after issue. On the three separate occasions that I have made reference to, when the Democratic majority of 51 tried to get 9 Republican Senators to join us in a bipartisan debate to bring down gasoline prices, to talk about investment in renewable and sustainable fuels, they refused. They give us just a few Senators. Coincidentally, most of them are up for reelection. They give us a few, but never enough to reach 60. That has been their strategy. That is the Republican strategy, the strategy of opposition to debate and moving forward.

Mrs. MURRAY. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I will be happy to yield to the Senator from Washington.

Mrs. MURRAY. I appreciate the Senator yielding. I have been listening over the last hour, as we have heard our colleagues from the other side come and excoriate us for not allowing them to bring a bill to the floor on energy and assailing the Senators on this side for prohibiting them from doing that.

That was astonishing to me because, as the Senator from Illinois knows, I have been coming to the Senate week after week and saying how much I pay for gas when I go home. It is now up to \$4.45 a gallon that I paid last Sunday. I have been a part of this majority that has tried to bring a bill to the floor to deal with renewable energy, to try to deal with the issue of speculation, and to try to deal with a number of issues. How many times now have we been blocked from bringing an energy bill to the floor to deal with these gas prices?

Mr. DURBIN. In the last 6 weeks, we have been blocked three different times by the Republicans, who refuse to give us the necessary 60 votes to bring the bill to the floor—something they are now complaining about. Some of the Senators complaining the loudest voted against having a bipartisan debate on an energy bill.

I guess they think the CONGRESSIONAL RECORD is written in disappearing ink; that we don't have a permanent record here of their votes. We do. We know where they have been. We know how they have voted.

I wish to say something else for the Senator from Washington, and I am sure she will agree. They come and argue that the Democrats are against domestic exploration for oil. That is not true. I don't know of a single Democrat, I don't know of a single Senator who is against domestic exploration and production of oil. In fact, as the Senator from Washington knows, we have 68 million federally owned acres that we lease to the oil companies for exploration and production of oil and gas.

Mrs. MURRAY. Well, Mr. President, if the Senator will once again yield, didn't we do a bill several years ago to actually add 8 million acres to that, to allow more drilling?

Mr. DURBIN. Yes. So we had the 68 million, and we added the 8 million just a year ago—in the Caribbean, if I am not mistaken—in offshore drilling. So there is this pool of opportunity for the oil and gas companies. They must be opportunities because they are paying us, the Federal Government, a lease. They believe there could be oil and gas there. But when you ask the question: Well, how much are they drilling of that 68 million, it turns out about a fourth of it. A fourth of it.

So you have some 34 million acres offshore of Federal land available to the oil companies, and they could be drilling it right now.

Mrs. MURRAY. Mr. President, if the Senator will continue to yield, if I am not incorrect, I believe that 68 million doesn't include the additional millions of acres off the shore of Alaska that they also are allowed to drill in and that they currently aren't drilling in.

Mr. DURBIN. That is right. I don't know the exact number in Alaska, but there are a significant number of acres, millions of acres available off Alaska where they can be drilling.

So I would say to the Senator from Washington, if they have so many millions of acres available for drilling, why is it that they are making the argument that they don't have any opportunities here for drilling and exploration? I think it is, frankly, because they have no other answer.

What it boils down to is that for 8 years we have had two oilmen at the highest levels of Government in America. When you do the math, 8 years, divided by two oilmen, equals \$4 gas. That is what we are paying.

I wish to thank Senator WHITEHOUSE for inspiring me. I helped him with the mathematical equation on this, but it was his inspiration that led to that last statement. I would say that is part of the problem. Any President looking at the mess in our economy and the hardship imposed on American families and businesses would have called the oil executives in a long time ago. Not this President. He used to be in the same fraternity. He was in the oil business. Many of them believe this is the way it works; this is the market at work.

If this is the market at work, we better take a look at the market because it is destroying America's economy—cutting back on airlines, reducing the number of flights, reducing the number of employees. All that tells me is that we need some leadership. Leadership will not be served by Senators coming to the floor, who voted to maintain filibusters, and then beg us to start a debate. That is what it is all about. They had their chance and they didn't join us.

I would say at this point, before I yield the floor, we need to tackle this issue. There is no more important issue

facing America today. We need exploration. We need to have investment in new opportunities. We need to be aggressive. We need to move right now.

We need, for example, to move to a point where we are not putting oil into SPR, the Strategic Petroleum Reserve, but actually taking it out and selling it and the proceeds will be used to not only bring down the price of oil in that sale but the proceeds are used to help American consumers, families, and business get through this energy crisis we face as a nation. We have to stop this indefensible subsidy of American oil companies at a time when they are reporting the highest profits in history. Put that money back into the economy for the right investments. We need a windfall profits tax to stop what is going on there, excessive profit-taking at the expense of the people who get up and go to work every day, and stop the price gouging and speculation that is leading to higher prices for oil and gasoline. This is the kind of initiative we need.

That was included in the bill on June 10 which the Senator from Texas voted not to take up and not debate. I want to take it up. I am ready to do that at any time the Senator from Texas wishes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague from Illinois for coming and highlighting the number of times we have tried to bring a bill to the floor to deal with the very critical energy crisis that is in front of us. There is no doubt this is harming Americans today. For our friends at home and for all of us, when we have to pay \$4.45 a gallon, as I did last weekend, that means we will not have as much money to spend on other things. We are hearing about people who are cutting back at the grocery stores, not being able to even go to work because they cannot afford the price to put the fuel into their car to be able to go to work. This has a huge impact. It has an impact on our schools and our communities, that are trying to get their schoolbuses ready for the fall and wondering how they are ever going to be able to budget for that. It is affecting our truckdrivers in tremendous ways as they try to get their goods to market. It is affecting every single American family, every single business, every single community, every single government agency.

It is an issue that we on this side of the aisle believe we have a responsibility to address. We have tried to bring a bill to the floor, not once, not twice, but three times, and have faced a filibuster from the other side.

We are going to keep working and keep trying to get to a point where we can finally address this. I think all of us recognize there are two oil men in the White House and it is going to take an election for us to get to the long-term issues we need to address in this

Nation. But there are things we can do today. We want to do them today. As Democrats we are going to keep working because America deserves it.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I come to the floor today to again urge my colleagues to join in the leadership of Senator DODD and his efforts to address one of the crises of economics we have going on in America today and that is the housing crisis which is causing so much pain all across America, in each of our respective States. It is causing pain to those who own their homes and are losing their homes, but it is also causing pain to so many homeowners across America whose dream of home ownership is being torn asunder as they are seeing their home value decline in unprecedented ways. I think it is incumbent upon this Congress to take action to move forward to try to create an environment that puts together this cornerstone of our economy which has been so crumbled by all of the difficulties it has had over the last several years.

In my home State of Colorado, we have seen a very significant increase in the number of foreclosures. In 2007 in Colorado, as you can see on this chart, approximately 1 per 45 households—1 per 45 households—filed foreclosure. That is the equivalent to nearly 40,000 foreclosures that were filed across my State of Colorado. That is up nearly 200 percent in a 5-year time period. If you look back at the years 2003 and 2004, 2005, 2006, 2007, we see what is happening: The number of foreclosures is rising at an extraordinary level. That rise in foreclosure levels is not something we can say is over. We can't say this is an economic phenomenon we have been through and that we have already gotten to the end and, therefore, the times ahead of us are rosy. We are facing some difficult times ahead of us as we deal with the housing crisis.

This next chart is a projection of where we see ourselves going in Colorado. This is information provided by the Center for Responsible Lending, which indicates that in the year 2008 and the year 2009, as the adjustable rate mortgages continue to adjust upward, we are going to see additional foreclosures in the State of Colorado. It is expected that this year, 2008, and into 2009, we are going to have almost 50,000 additional foreclosures. So if we have an additional 50,000 foreclosures in the State of Colorado, what is the consequence to others?

First, there is a consequence, of course, to those who lose their homes. There are some from whom I have

heard, including people who are in their 60s, who are not able to continue to make the payment on their homes and who end up in their later years of life essentially losing their dream of home ownership because they cannot afford the higher rates, the higher payment rates that come about through adjustment of the ARMs. So it definitely affects those people who have to go through foreclosure in huge, significant, and very painful ways. But it also affects others, because it is surrounding homes in the neighborhoods that are affected by the decline in home values. In my State alone, it is estimated that about 750,000 homes will have declining values over the next several years. That is almost half of the housing stock within the State of Colorado. So we have a lot of pain going on with respect to what is happening in the home world.

There are many people who have seen these signs, I am sure, as people have driven through their neighborhoods throughout the State of Colorado. We see these kinds of signs. They are commonplace. We see them in counties such as Adam County, Denver, Conejos County; we see them in Pueblo County and all over the place where people have had a hard time selling their homes. We see these signs that say "Price Reduced" time and time again. That is, in fact, something which is commonplace.

It is also true that there are things that can be done to help us address this issue. This is a sign from our foreclosure hotline in Colorado. That foreclosure hotline has been set up as our central source for people who are having a problem with respect to staying in their homes to be able to make a telephone call to try to see whether they can get some assistance to be able to stay in their home. We have had more than 29,000 Coloradans call this foreclosure hotline over the last several months. The foreclosure hotline in Colorado has been able to provide major assistance to the people of the State of Colorado who call in for assistance. About 80 percent of the people who call the foreclosure hotline end up creating some kind of negotiation with their lender that ultimately allows them to stay in their home. That is good for the homeowner because they can stay in their home, and it is good for the lender as well because they don't go through the things they have to go through with the costs incurred in foreclosing on a home, restoring the home, and selling the home.

Senator DODD and his committee have been working on trying to address one of the most significant pains affecting the people in America today—and rest assured, there is pain in America. This dream of our economic engine is somewhat teetering. When we look at what is happening with the high rise in the cost of gas, and we see what is happening with the high cost of health care, and all the rest of the costs that are economic pocketbook issues affect-

ing America, they are saying why isn't our Government helping in terms of addressing some of the fundamental issues at stake here?

The housing legislation, which has been crafted and worked on by Senator DODD and others, is an effort to try to address this housing crisis. I hope we are able to move forward with that legislation very soon, because we need to start restoring confidence on the part of the American people that we can address some of these critical issues facing us in America at this time.

This is not a Republican or Democratic or Independent issue. The issue of home ownership and the issue of having a strong housing market, a strong housing construction industry, that is an American issue, an American challenge we all face. So we need to come together to push this legislation and get it done and get it to the President for his signature as soon as possible.

For those who will try to create obstruction along the way to have us continue to not be able to get to this are doing a disservice to the American people. We need to address this housing crisis. Senator DODD and those who have worked on this legislation for a long time are giving us that opportunity. I hope before the end of the day we will be able to take a significant step toward creating the remedy that will provide some relief to those suffering from this housing crisis in America today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will speak on another matter, if I may, but first I thank my colleague from Colorado for his kind comments about the efforts we made on the housing bill. I thank him for his observations about his own State and what is going on there with the people in the western part of our country.

This issue is a national problem. I think there are occasions when people assume this is a localized issue in a few spots in the Nation. Unfortunately, we have all learned, painfully, with more and more news that comes out that this problem is in every State; in some, it is far more pronounced. In my State, we have had about 15,000 foreclosures, and another 12,000 are anticipated this year—in a State of 3 million people. Home values have come down.

I appreciate the Senator's comments about what is going on and his appreciation of what we are trying to do with this bill. Every single day, between 8,000 and 9,000 people file for foreclosure. In the month of June, 250,000 people moved into that category. Those are the numbers. As I said this morning, those are families—a mother, father, and maybe children—who have to find alternative living conditions because they are about to lose their homes. Think about that on an individual basis, what it means, and the fact that we have had to take so

long on this bill that could have been, frankly, passed a week or more ago. Colleagues on both sides of the political aisle have expressed strong support for our efforts. A handful of people here have slowed this down and done everything in their power to derail this effort.

This morning's vote of 84 to 12 once again indicates the strong desire by most of us here to get something done on this issue. I thank my colleague for his generous comments and help in this effort.

Mr. SALAZAR. I thank the Senator. The PRESIDING OFFICER. The Senator from Connecticut is recognized.

(The remarks of Mr. DODD and Mr. LEVIN pertaining to the introduction of S. 3252 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY CRISIS

Mr. DORGAN. Mr. President, I have noticed that late this afternoon a number of speakers have come to the floor of the Senate decrying the fact that there is not oil drilling here or there or elsewhere and suggesting that they and they alone have the answer to our energy problems. I wish to respond by saying this issue of drilling for oil is an important issue. I, along with my colleagues, Senator BINGAMAN, Senator DOMENICI, and Senator Talent, introduced the bill in the Senate that opened what is called Lease 181 in the Gulf of Mexico. That is now law. We now have companies exploring for oil and gas in Lease 181 in the Gulf of Mexico. Why? Because I think it makes sense to do that. If you take a look at the oil reserves in Outer Continental Shelf, in the Gulf of Mexico, off the west coast, and off Alaska, by far the majority of the available reserves are in the Gulf of Mexico.

But having said all that, we are already drilling in a lot of areas—including in North Dakota. I asked the U.S. Geological Survey to do an assessment of oil resources in what is called the Bakken Shale formation in North Dakota. I asked them to perform the assessment about 2 years ago. They completed their report a couple months ago, and they estimated that there is 3.6 to 4.3 billion barrels of recoverable oil using today's technology in eastern Montana and western North Dakota. So now we have nearly 80 drilling rigs drilling in western North Dakota. I don't know how many are in Montana, but there is a substantial amount of drilling activity, which I strongly support.

This is the largest assessment of recoverable oil ever made in the lower 48

States. Let me say that again. The U.S. Geological Survey just completed its assessment that there is up to 4.3 billion barrels of recoverable oil using today's technology and we have oil companies there drilling and I support it. We are drilling in this country, in North Dakota, eastern Montana, and we have other oilfields. This happens to be a brand new one, the biggest assessment ever made in the lower 48. It is exciting, in my judgment.

As I indicated, we have activity happening now in Lease 181 in the Gulf because we opened that. Off of Cuba, it is estimated that there is a half million barrels a day that is available for leasing by the Cubans. Many countries have leases there—Spain is there, Canada is there, India is there, and Venezuela is there. They are very interested. But our companies can't secure the leases because the Bush administration says, no, we can't drill in Cuban waters. We have this embargo with respect to Cuba. So there is a half million barrels that our oil companies can't produce.

I say to my colleagues: You want to drill? Let's allow our companies to go access some of that off the coast of Cuba. China wants to be there, and India wants to be there, but we can't be there.

The fact is we need to do a lot of things and do a lot of things well if we are going to address this energy issue. Now, the price of oil is bouncing around at \$140, \$144 a barrel. My understanding is that in the last 4 or 5 minutes of trading today, it went up, I was told, \$4 or \$5 a barrel. There is unbelievable, relentless, in my judgment reckless, speculation going on in the oil futures market. Now, it wouldn't matter so much if these were future markets dealing with something that wasn't so essential to the economic well-being of our country, but our country desperately needs oil. We run on oil. The fact is we use a prodigious amount of it.

I have described before, on many occasions, the way this works. We have a substantial amount of oil halfway around the world under the sands. That is where there is a lot of the oil. The largest reserve is in Saudi Arabia, second and third is either Iran or Iraq, depending on how you count reserves in those two countries. So the largest reserve is in Saudi Arabia, then Iran and Iraq. But where is the largest demand? Well, here in the United States.

We suck out 86 million barrels a day from this planet. Of that 86 million barrels of oil we suck out from these little straws called drilling rigs and pumps, we use one-fourth of it here in this spot on the planet called the United States of America. We are big users of energy.

So what do we do to address this issue when oil prices spike like Roman candles to \$140 a barrel, and it does enormous damage to our country, to our economy, and injures farmers, families, truckers, and airlines? What do

we do? We do a lot of everything, it seems to me.

I described that we are drilling exciting new wells in our region of the country. We are going to be drilling in Lease 181 in the Gulf of Mexico. But in addition to drilling, we need to do a lot more. We need substantial, aggressive conservation. We need significant efficiency and conservation. Everything we use throughout the day—if we turn a switch, push a button, dial a knob, turn a key—everything we do all day long has to do with energy. We get up in the morning and we want light, in the closet, in the bedroom. We use our finger to flip a switch, not understanding, of course, so much—because we take it for granted—that is energy. Perhaps we use an electric razor, then heat a pot of coffee, then put a key in the ignition of a vehicle. Every one of those actions is using energy, and we never give it a second thought.

Now, all the things we have—yes, including air-conditioners and refrigerators—can be made much, much, much more efficient. We are getting rid of the incandescent light bulb. It will not be long until you will never see another one because we can find ways to produce light for all our manufacturing facilities and our homes all across this country with 80 percent less electricity than we now use. So we need to engage in conservation, efficiency, and then renewables.

Now, renewables represent something our country ought to say to the world: Here is where we are headed. Yes, we are going to drill some and do all these things. We are going to conserve and develop more efficient methods of using all this electricity. But it is also the case that renewables represent a significant opportunity. Renewables, with respect to wind energy and solar and biomass and biofuels.

You know what we have done for renewables? Well, in 1992, the Congress put in place something called the production tax credit—a tax incentive for renewables. But it was short term and not very deep. So we have extended it five times, short term. By the way, the production tax credit will expire at the end of this year. We have extended it five times, and we let it expire three times. So anybody interested in investing in renewables will take a look at this country and say: You don't have much of a commitment to renewables. Look what you have done, stutter, start, stop. That is not a commitment.

Here is what we did for oil. In 1916, we put in place tax incentives—big, juicy, fat tax incentives—and we said: We want you to go look for oil and gas. If you find them, good for you because that is good for our country, and you get big tax incentives. We put the incentives in place in 1916 and they have stayed forever. What did we do for renewables? Well, in 1992 we gave them a tax credit, which has gone through the phases of start, stop, start, stop, expire. That is a pathetic, anemic response by a country that acts like it doesn't care very much.

I have introduced legislation in this Congress that says: You know what, we ought to put in place a production tax credit for renewables for 10 years. We ought to say to the world: Here is where we are headed, and you can count on it. Here is what we believe in, and you can count on it. This country is making a significant concerted effort for renewable energy, to be less dependent on the Saudis, the Kuwaitis, the Venezuelans, and others. That is what our country has a responsibility to do.

So we need to do a lot of things. At the moment, however, I wish to concentrate on not the myriad of things we must do and do well, but I wish to talk about the urgent need to do something that addresses this spike, this unbelievable spike in oil prices and, therefore, gasoline prices that has happened in the last 12 to 14 months.

There is nothing in the supply and demand of oil that justifies this kind of a price spike. Nothing. In fact, if anything, demand is down. Today's newspaper describes that we are using 2 percent less gasoline here in this country. The first 4 of 5 months in this country we had increased inventory of crude oil stocks. Inventory is up, demand is down. What happens to price? It goes straight up. Why? Because there is excess speculation in the futures market.

Those futures markets were designed for a specific purpose and that was to allow producers and consumers to hedge risk of a physical product—perfectly legitimate and an important thing to do. It has now, in my judgment, been taken over by excess speculation. Franklin Delano Roosevelt warned about that in 1936, when he signed the legislation that created this market.

Now we have unbelievable speculation in this market. The new pension funds and others that have come into this marketplace in a few short years have spiked from investing somewhere around \$13 billion to \$260 billion. Are the people flooding into this marketplace wanting to hold a 5-gallon can of oil? No, these interests never want to touch oil. They never want to own oil. They want to do what Will Rogers talked about 80 years ago: They want to buy what they will never get from people who never had it and make money on both sides. And then walk around with a permanent grin, walking into the bank with our money to make their deposits. Yes, the OPEC countries do that and so do these speculators as they have driven up the prices. The problem is it injures this country's economy.

It is devastating, for example, to various industries—the trucking industry, the airline industry, and farming to have such high oil prices. It's also devastating to ordinary consumers, trying to figure out how on Earth do I scrape up the money to fill my gas tank to be able to drive back and forth to work. How do I do that?

Now, I think we have a responsibility to address this excess speculation.

When markets are broken, we have a responsibility to address it. I have often said I taught economics ever so briefly in college. I taught a little economics, and I kid people by saying I was able to overcome that experience. Economics is psychology pumped up with a little helium. People think: Well, we know this produces that, there is an action and a reaction—supply and demand. We all understand that. The problem is, at the moment, if you take a look at this country, its economy, and what the psychology of the American people is as they look at what is happening in this country, there is a pretty good reason to be very concerned about the future and a pretty good reason to believe we need action that is urgent, important action that actually has some grip and some teeth.

We have been through a subprime loan scandal. The credit markets were frozen. The fact is we had an orgy of greed in these credit markets and a lot of problems still exist. In fact, some of the resets on some of these bad mortgages are still in front of us. So take a look at that kind of a credit crisis and the subprime loan scandal and then combine that with the issue of the deficits, dramatic Federal budget deficits because we are fighting a war the President will not pay for. He says everything we use for this war, I want to borrow, and he has borrowed almost three-quarters of a trillion dollars for it. He refuses to pay for it. I will send the soldiers to war, and I ask the American people to go shopping, he says.

The subprime loan scandal, unbelievable fiscal policy recklessness, a trade policy out of balance over \$700 billion a year. You can't do that. Then, on top of that, the price of oil going to \$144, and we think this economy is able to withstand that? This is a resilient economy, the American people are resilient people, but they expect and demand appropriate action by this Congress.

Now, we have people who view themselves as a set of human brake pads. Their only role in life is to come to the floor of the Senate and say: Oh, no, no, no. You can't do that. We are going to dig in our heels and prevent anyone from doing anything. That is not public policy we should be proud of. We are trying very hard to construct some public policy in all these areas that give us a chance to move forward. I know there are reasons for some to object to certain activities. But we have seen, in the last 5 or 6 months, a steady stream of people coming to this floor and saying: My goal is to stop anything from happening. Meanwhile, all these issues pile up in a way I think is a danger to this country's future and a danger to our economy. It is starting with this issue of energy, as I began the discussion today.

We have a responsibility in the short term, and I know the majority leader and others believe it as well.

We have a responsibility to at least tackle excess speculation and the re-

lentless dangerous speculation of this commodity futures market that is driving up the price of oil and injuring this country's economy.

I have introduced legislation to do that. I hope to talk about it tomorrow. Some others have also introduced legislation. We ought to take the best of the legislation that exists and move forward to address this country's problems.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, we have worked very hard tonight trying to come up with an agreement to move forward. We have been close, but close doesn't count on Senate business. We have a most important bill we are working on, which is the global AIDS bill. It is a bill that the President supports. We have been in touch with his people during the week. There are no requests of Democrats to offer amendments. We have been working with the distinguished Republican assistant leader, Senator KYL. There has been a proposed 13 amendments, as I recall. We have agreed to seven of those amendments. The others, at this stage, we have been unable to work on. We have tried to work on ways of not having Senators come tomorrow and vote and wind up at the same place on Monday. But there has been a Senator—or two—on the Republican side who, I assume, wants to show that he has a lot of power as a Senator. Any one Senator has a lot of power. So at this stage, it appears that one Senator is going to require all Senators to come to vote tomorrow at 5:21 in the afternoon. That is when time runs out on the housing legislation. And following that, which will complete the housing legislation, we will send it back to the House. Following that, we will automatically have a vote on PEPFAR, the global AIDS bill.

What we wanted to do is avoid those votes and come in Monday, and we would wind up at the same place. But we were not able to get agreement. So we will do directly what we could have done indirectly, but we would have wound up the same way.

First, I appreciate everyone's patience. The Presiding Officer has spent a lot of time here. Senator DODD, who is chairman of the committee, has been here because it is a housing piece of legislation. We have had a number of conversations with Senator SHELBY. The staff has been tremendous. We have had staff working on trying to resolve these amendments. I really appreciate Senator DURBIN, my friend and assistant leader, who has been here throughout the night.

I ask unanimous consent that the cloture vote on the motion to proceed to S. 2731, the global AIDS bill, occur on Monday, July 14, at 5:30, p.m., with the hour prior to the cloture vote equally divided and controlled between the leaders or their designees; that if cloture is invoked, all postcloture time be yielded back, the motion to proceed be agreed to, the motion to reconsider be laid on the table, and the Senate proceed to consideration of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Mr. President, I do object on behalf of Senator DEMINT. Let me make a very brief statement.

The distinguished majority leader is correct. It is almost 11:30 this evening, and we have been working since about 3 o'clock this afternoon to try to reach agreement on how to proceed with this very important bill. We have made a lot of progress. A lot of Members have been willing to make concessions to try to limit the number of amendments that would be considered so this bill could be completed sometime next week. But we haven't worked out everything. Unfortunately, because everything hasn't been worked out at this late hour tonight, it wasn't possible for us, one of our Members, to agree to this particular request. The majority leader is correct about how we will have to proceed as a result.

It is my strong hope that because this is a very important piece of legislation—Members have different views about aspects of it—an agreement could be reached by which an appropriate number of amendments could be considered and debated and voted on next week and the bill finally disposed of at a point next week. There is a fairly constructive way to do this, and then there is a way to do it that isn't as constructive.

So I appreciate the effort the majority leader and others have put into this tonight. It would be my hope that in that same spirit, we can continue to talk about this tomorrow and hopefully reach an agreement we would be able to proceed with in order to complete the bill sometime next week.

Mr. REID. Mr. President, there was an objection, I understand, by my friend.

There has been tremendous work on this bill for months and months. The principal workers on this bill have been the chairman of the committee, Senator BIDEN, and the ranking member, Senator LUGAR. They have worked on this for months. I have, for more than a month, had statements made to me: Give us another day, another day. That has been going on for a long time. We are in a situation here where we ran out of days, and we had to move forward. Senator LUGAR and Senator BIDEN have accepted numerous amendments from Members wanting to make this bill better. I am confident they did make the bill better. But the fact is—I want everyone to understand—the

work on this bill did not start tonight. Senators LUGAR and BIDEN thought all the work had been done on it.

So we are where we are. Senators have a right to suggest changes to a bill, even though we have spent a lot of time on it.

I say to my friend, the distinguished Republican whip, we are anxious to finish this bill. I personally think it is good legislation. I think it is something we as a country need to do. But also understand that we have been willing to accept on this piece of legislation any germane amendments that relate to this bill. We have even agreed tonight to work on some things that are not, but we have agreed to do that in an effort to move this forward. I hope over the weekend, perhaps even tomorrow before we leave, maybe something can be done. If not, maybe Monday we can do something. Otherwise, we find ourselves in this position. Monday we are on the bill. We would at that time, of course, have to file cloture on the bill itself.

Now, I think we could constructively use some time. If there are Senators who want to change this legislation and do it in a germane fashion, we should spend that 30 hours—actually the 2 days it would take for cloture to ripen—on trying to improve the bill. We would be happy to do that. We would even be willing to consider, as my friend knows, the junior Senator from Arizona, amendments, as we have talked about tonight, that may not be technically germane. I hope we can do that.

But as we have seen in this Presidential election year, we have two of our Senators running for President, and it makes it extremely difficult to legislate in a way that we perhaps would like to. But that is the process in which we find ourselves. So hopefully something will work out well during the night or, if not, maybe tomorrow or, if not, over the weekend. I hope we could spend our week constructively disposing of this legislation the President wants.

We will finish the legislation very likely, one way or another, next week. I cannot imagine the President's own party would stop this bill from passing. But we have been surprised in the past. So we will do what we can to help the President. This is a bill I believe in. The vast majority of the Democrats—in fact, I do not know of a Democrat who does not like the bill. But we hope there would be some reasonableness on the other side to try to help the President's program also.

Mr. KYL. Mr. President, might I make a point of clarification?

Mr. REID. Sure.

Mr. KYL. I think the majority leader will agree with this. When the majority leader speaks of accepting amendments, it is not a matter of accepting an amendment to the bill.

Mr. REID. No. To debate and vote on them.

Mr. KYL. But rather agreeing to allow an amendment to be offered, debated and voted on.

Mr. REID. That is right. I am sorry I did not make that clear.

Mr. KYL. No, No. I knew the Senator would want to be clear on that. There are some nonrelevant or nongermane amendments that have been proposed. It is certainly understandable that the majority would not want to have those amendments considered as a part of the debate. For those amendments, however, that are relevant to the subject matter at hand, that is what most of the discussion has been about, and we are hoping at the end of the day an arrangement can be agreed to where those amendments could be considered by the Senate, debated, voted upon, maybe rejected, but at least the Members would have had an opportunity to vote on the amendments, and, as I said before, and, as the majority leader said, to conclude the bill then sometime next week.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. So Mr. President, I have asked the first consent, which was that we have no votes until Monday. That was objected to.

ORDER OF PROCEDURE

Mr. REID. So, Mr. President, now I ask unanimous consent that on Friday, after all the postcloture time has expired on the motion to disagree—that time occurring at 5:21 p.m.—the Senate proceed to vote on the motion to disagree to the amendment of the House adding a new title and inserting a new section to the amendment of the Senate to H.R. 3221; that upon disposition of that motion, the Senate then proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2731, the global AIDS bill; that if cloture is invoked, then all postcloture time be deemed expired, and on Monday, July 14, following a period of morning business, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table; that the Senate then proceed to the consideration of S. 2731; that if cloture is not invoked, then a motion to reconsider the vote by which cloture was not invoked be considered to have been entered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant majority whip.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING UNIVISION NOTICIAS

15

Mr. REID. Mr. President, I rise today to recognize the efforts of Noticias 15,

a Nevada news program that has gone to great lengths to realize the benefits of U.S. citizenship for many new Americans.

Noticias 15 has shown the impact news media can have by supporting programs like “Ya Es Hora . . . Ciudadani” or “Now is the Time . . . Citizenship”, which motivates and assists lawful permanent residents to navigate the often daunting legal hurdles of our immigration system through a comprehensive civic engagement strategy.

Noticias 15, working with its sister programs in the Entravision Communications Corporation, provides a strong example of the support that can help to more fully engage immigrant communities and traditionally under-represented minority groups in civic participation. As one of the top-rated local early evening newscasts in the Las Vegas market, the news program has disseminated critical information on applying for U.S. citizenship, featuring segments on citizenship eligibility, requirements, and the application process. In addition, it has partnered with local and national agencies to boost voter registration among viewers.

This is particularly relevant in Nevada, where we have experienced rapid population growth in the Hispanic community—now nearly one in every four Nevadans is of Hispanic descent. We must encourage the active participation in civic life of every eligible Nevadan, and I am pleased that Noticias 15 is a partner in this effort.

Like many of my fellow Nevadans, I am aware of the challenges we have faced in increasing civic participation among Hispanics. Our proverbial wheels are spinning as we fight to make the American dream attainable for all families who work hard and play by the rules, level the playing field so that Latinos can become viable candidates for elective office, and remove the unfair barriers that hinder the Latino community from coming out to vote. Noticias 15's actions help to provide the traction that will keep our wheels from continually spinning up dust.

Today, I recognize Noticias 15 for its valuable support of “Ya Es Hora . . .

Ciudadani.” The momentum that has been created by this program and others will lead to better opportunities for the Hispanic community and for the larger community in which we all live. I look forward to seeing more contributions from this important organization in the Silver State.

BUDGET SCOREKEEPING REPORTS

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2009 budget resolution. The reports, which cover fiscal years 2008 and 2009, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 7, 2008 and include the effects of Public Law 110-252, the Supplemental Appropriations Act, 2008, which the President signed into law on June 30, 2008. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con Res. 70, the 2009 budget resolution.

For 2008, the estimates show that current level spending is below the budget resolution by \$5.4 billion for budget authority and \$2.6 billion for outlays while current level revenues are above the budget resolution by \$4 billion. For 2009, the estimates show that current level spending is below the budget resolution by \$983 billion for budget authority and \$615.8 billion for outlays while current level revenues are above the budget resolution level by \$67.8 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through July 7, 2008. This report is submitted

under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated January 24, 2008, the Congress has cleared and the President has signed several acts that affect budget authority, outlays, or revenues. These amounts were included in the budget aggregates of S. Con. Res. 70. Please see footnote 1 of the accompanying report for a list of those acts. In addition, the Congress has cleared and the President has signed the Supplemental Appropriations Act, 2008 (Public Law 110-252). This is CBO's first current level report since the adoption of S. Con. Res. 70.

Sincerely,
ROBERT A. SUNSHINE,
(For Peter R. Orszag, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 7, 2008

(In billions of dollars)

	Budget resolution ¹	Current level ²	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	2,454.2	2,448.9	—5.4
Outlays	2,435.9	2,433.2	—2.6
Revenues	1,875.4	8,879.4	4.0
OFF-BUDGET			
Social Security Outlays ³	463.7	463.7	0.0
Social Security Revenues	666.7	666.7	0.0

¹ S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed \$108.1 billion in budget authority and \$28.9 billion in outlays for overseas deployment and related activities. P.L. 110-252, the Supplemental Appropriations Act, 2008, designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110-252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

² Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 7, 2008

(In millions of dollars)

	Budget authority	Outlays	Revenues
Previously Enacted:¹			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,010	1,394,887	n.a.
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	—596,805	—596,805	n.a.
Total, Previously enacted	2,448,854	2,433,200	1,879,400
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110-252) ²	0	7	0
Total Current Level ^{2,3}	2,448,854	2,433,207	1,879,400
Total Budget Resolution ⁴	2,562,305	2,464,754	1,875,400
Adjustment to the budget resolution for emergency requirements ⁵	—108,056	—28,901	n.a.
Adjusted Budget Resolution	2,454,249	2,435,853	1,875,400
Current Level Over Budget Resolution	n.a.	n.a.	4,000
Current Level Under Budget Resolution	5,395	2,646	n.a.

¹ Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), Economic Stimulus Act of 2008 (P.L. 110-185), Andean Trade Preference Extension Act of 2008 (P.L. 110-191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110-227), Consolidated Natural Resources Act of 2008 (P.L. 110-229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110-232), Food, Conservation, and Energy Act of 2008 (P.L. 110-234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110-245).

² Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110–252)	115,808	35,350	n.a.
³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.			
⁴ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:			
	Budget authority	Outlays	Revenues
Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	– 950	– 950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	0	0	8
For adjustment to debt service for the SPR and Heroes acts (section 323(d))	– 7	– 7	0
Revised Budget Resolution	2,562,305	2,464,754	1,875,400

⁵ S. Con. Res. 70 assumed \$108,056 million in budget authority and \$28,901 million in outlays for overseas deployment and related activities. P.L. 110–252 designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have been reduced for purposes of comparison.

SOURCE: Congressional Budget Office.
Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 2008.
Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through July 7, 2008. This report is submitted under section 308(b) and in aid of section 311

of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency re-

quirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

This is CBO's first current level report for fiscal year 2009.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 7, 2008

[In billions of dollars]

	Budget resolution ¹	Current level ²	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	2,455.9	1,472.9	– 983.0
Outlays	2,490.9	1,875.1	– 615.8
Revenues	2,029.6	2,097.4	67.8
OFF-BUDGET			
Social Security Outlays ³	493.6	493.6	0.0
Social Security Revenues	695.9	695.9	0.0

¹ S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed \$70.0 billion in budget authority and \$74.8 billion in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed \$5.8 billion in budget authority and \$1.2 billion in outlays for the Corps of Engineers. P.L. 110–252, the Supplemental Appropriations Act, 2008, designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

² Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval.

In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 7, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted ¹			
Revenues	n.a.	n.a.	2,097,399
Permanent and other spending legislation	1,440,235	1,392,509	n.a.
Appropriation legislation	0	471,616	n.a.
Offsetting receipts	– 587,749	– 587,749	n.a.
Total, Previously enacted	852,486	1,276,376	2,097,399
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252) ²	0	23	27
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	620,449	598,715	0
Total Current Level ^{2,3}	1,472,935	1,875,114	2,097,426
Total Budget Resolution ⁴	2,531,668	2,566,868	2,029,644
Adjustment to the budget resolution for emergency requirements ⁵	– 70,000	– 74,809	n.a.
Adjustment to the budget resolution for emergency requirements ⁵	– 5,761	– 1,152	n.a.
Adjusted Budget Resolution	2,455,907	2,490,907	2,029,644
Current Level Over Budget Resolution	n.a.	n.a.	67,782
Current Level Under Budget Resolution	982,972	615,793	n.a.

¹ Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

² Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110–252)	85,155	87,211	n.a.
³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.			
⁴ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:			
	Budget authority	Outlays	Revenues
Original Budget Resolution	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	28	28	32
For adjustment to debt service for the SPR and Heroes acts (section 323(d))	– 13	– 13	0

	Budget authority	Outlays	Revenues
Revised Budget Resolution	2,531,668	2,566,868	2,029,644

⁵ S. Con. Res. 70 assumed \$70,000 million in budget authority and \$74,809 million in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed \$5,761 million in budget authority and \$1,152 million in outlays for the Corps of Engineers. P.L. 110-252, the Supplemental Appropriations Act, 2008, designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110-252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

REMEMBERING SENATOR JESSE HELMS

Mr. HAGEL. Mr. President, I rise today to pay tribute to our friend and former colleague, Senator Jesse Helms of North Carolina. When Senator Helms passed away on the Fourth of July, our country lost a patriot and a strong conservative voice.

Senator Helms' life was about public service. During World War II, he served in the U.S. Navy, where he first developed his commitment to a strong U.S. military and America's security at home and abroad. He served in a number of public roles in Washington, DC, and in his home State of North Carolina, and in 1972 was elected to the U.S. Senate—a position he held for five consecutive terms.

Senator Helms was chairman of the Senate Foreign Relations Committee when I came to the Senate in 1996, where I have served for 12 years. As chairman, he consistently maintained a powerful and determined voice in his efforts to strengthen America. I will always be grateful for his many personal courtesies and his constant encouragement and assistance over the 6 years that we worked together.

Senator Helms was outspoken, strong-minded, and unwavering in his beliefs. He was a leader who will be missed. Lilibet and I extend our thoughts and prayers to Jesse's widow and our friend Dot and his wonderful family.

CALIFORNIA WILDFIRES UPDATE

Mrs. FEINSTEIN. Mr. President, I rise today to update the Senate on the deteriorating situation in California.

Simply put, the situation is untenable.

In the past 2 weeks, 1,781 wildfires have burned roughly 688,000 acres—an area roughly the size of Rhode Island. Today, 323 fires continue to burn including the Camp Fire, in Butte County. As a result of that fire, 14,000 residents have had to evacuate their homes and nearly 50 homes have been destroyed in the past 48 hours.

It is likely to get worse—with a heat wave and more lightning strikes forecast—just as State and Federal resources are being depleted.

Governor Schwarzenegger has told the Federal Government that California cannot continue to fight these fires—that with current resources the State cannot protect lives and property.

California needs the following: Personnel: The Governor needs 302 more hand crews to put on the front lines and 773 support personnel. The State

has tapped out its resources; it is time for the Federal Government to step up to the plate.

And the Forest Service is also short on staff. Key supervisors and firefighters are missing from our national parks, hampering firefighting and brush clearing efforts. Last month the agency reported 380 vacancies in California—roughly 8.5 percent out of a total force of 4,432. These positions must be filled. Agriculture Under Secretary Mark Rey promised me these vacancies would be filled by July 8. But as of today only 289 positions have been filled. We need to do more.

A Full Emergency Declaration: Governor Schwarzenegger has declared emergencies in 11 counties: Butte, Trinity, Shasta, Santa Barbara, Santa Clara, Monterey, Mendocino, Santa Cruz, Plumas, Kern, and Mariposa. But President Bush has issued only a limited emergency declaration. California is asking the President for a full disaster declaration, which will open the State to broader assistance under the Stafford Act. I fully endorse this request.

Funding: California's fire emergency is burning up Federal firefighting dollars at an alarming rate. The Forest Service has already expended \$704 million—more than half the \$1.2 billion in available funds—and fire season has just begun. Therefore, I am asking for \$910 million in emergency appropriations for the Forest Service and Interior Department.

This emergency funding, to be used throughout the United States as needed this year, includes: \$610 million for wildfire suppression; \$125 million for fuels reduction on State and private lands; \$100 million for rehabilitation; \$50 million for fuels reduction on Federal lands; and \$25 million for firefighter recruitment and retention in high risk areas.

Air assets: The Governor has told President Bush that we need an additional 41 helicopters in California. I am committed to working with the President to make these aircraft available from other States, the military, or foreign nations. Whatever it takes, we need these resources.

We also need to permanently station military firefighting aircraft in California. It is increasingly clear to me that the key to these wildfires in remote geographic areas is immediate aerial assault on the fires. You cannot get firefighters into these areas fast enough. Earlier this year I asked the President and Defense Secretary Robert Gates to permanently station two C-130 tankers at Point Mugu. This is vital; several C-130s are working these fires today, but they had to travel

great distances to get to California. This is unacceptable.

I am writing to the President again to renew this critical request.

Let me share with you a letter written by Henry Renteria, Director of Governor Schwarzenegger's Office of Emergency Services, to R. David Paulison, Administrator of the Federal Emergency Management Agency.

It says in part:

We are in an unprecedented draw-down in the state's emergency resources. Many fire departments are barely able to maintain sufficient resources for initial attack on new structure fires, while still participating in the statewide mutual aid effort to address these wildfires.

Even with the assistance of more than 24,000 firefighters from 40 States, "California has outstanding orders for fire resources that it is unable to fill," the letter states.

Yesterday there were requests for 230 engines that went unfilled, and at one point last week there were requests for 400 crews of 15-20 firefighters that were not met.

The Governor's letter continues:

California is in the untenable position of having orders for firefighting resources remaining unfilled for multiple days. The Governor has taken the extraordinary action this week to direct the training of 400 California National Guard soldiers in basic firefighting. These soldiers will be assigned to the firefight as quickly as they can be trained and equipped.

Mr. Renteria—again, the Governor's authorized representative—concludes by warning that "the cumulative impact of these disasters has exhausted state and local resources to the point in which California cannot avert threat to live and improved property adequately."

This is without question a clear and present threat to the largest State in the Nation.

California is on the precipice of a major catastrophe. California has spent more than \$300 million fighting these fires—that is more than it spent on last year's firestorms. And this is only the second week of July.

Let me remind you of what the fall brings to southern California. It brings strong Santa Ana winds, which fuel massive and deadly firestorms: In 2003 in California, huge wildfires burned roughly 1 million acres; killed 21; and destroyed more than 5,000 homes. And last year in California, wildfires blackened 1,087,110 acres; killed 10; and destroyed 3,079 structures.

We are in a new and dangerous time.

The great bulk of the fires that have burned since last month—more than 1,000—were sparked by more than 8,000 dry lightning strikes.

California is now faced with dry lightning strikes at a level that I cannot remember in my lifetime. And more are forecast this week.

The State is also facing extreme heat. Across the State, nearly in every county, there are excessive heat warnings.

And the State is in the midst of a serious drought—Governor Schwarzenegger has declared a drought emergency.

The State's reservoirs are below normal, and drought has produced record amounts of dry brush. In many areas, there is more dry brush than at any point in the 27-year recorded history of the data.

This dry brush is like an unexploded bomb.

Last month—the halfway point of the year—more than 272,969 acres in California had burned. That's up from 42,214 acres burned at the same point last year. And up from the 5-year average of 30,938 acres burned on State land at that time of year.

The facts are clear and cannot be ignored. California is in great peril. And California's peril is the Nation's peril, for the costs of fighting these fires is fast draining our Federal firefighting resources.

Bottom line: California and the Nation need help now. A potentially record-breaking fire season is upon us. We need to do more. We need to prepare. And we need to do it now.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To whom it concerns:

Here's how rising gas and diesel prices are affecting this Idahoan and her family:

We are a one-income (plus overtime) middle-income family living in Boise. The huge increase in fuel prices has caused subsequent increases in the price of consumer goods (due to price increases for fuel to manufacture, transport, and deliver consumer goods). Thus, our entire cost of living has increased at a rate higher than that of my husband's annual raise. Our standard of living is dropping,

regardless of his continued raises, and we are having to cut corners from our budget, in every direction.

Due to our sons' disabilities, it has been imprudent for me to work full time. However, in light of the growing costs of living due to fuel costs skyrocketing, I will most likely need to return to work this year, NOT to purchase hobby equipment or upgrade our vehicle, but to continue to make our mortgage payment and to EAT PROPERLY.

To our Congress: PLEASE STOP OUR DEPENDENCE ON FOREIGN FUELS. We're lining the pockets of oil-rich nations while stealing the quality of life from our own citizens.

Nuclear energy is NOT the way to go, in my opinion. The dangerous waste by-products of nuclear-generated power are not worth the savings in costs of energy to our citizens. There are many other methods to generate energy for homes and businesses (and vehicles) that are cleaner, renewable, and completely non-polluting, such as solar energy; wind energy; hydro-electric energy (why not let all the dams in our state run at full capacity rather than leave one or two turbines unused most of the time, and STORE the excess energy we generate to keep our costs down, or sell it to profit our state's economy); and the transformation of our society's garbage into usable, non-polluting hydrogen fuel for vehicles that run on hydrogen.

There are always local (American) solutions to local (American) problems.

TERESA, Boise.

I should think it would be obvious to all sentient beings by now that we are on the wrong trajectory. The notion that we can consume more and more each year without some FUNDAMENTAL changes is wrong. I search your words in vain for ideas about something new. No luck. Same old mindset. What about conservation of finite resources? What about alternative energy resource development? The large and very profitable oil companies benefit enormously from tax breaks. Where is the policy incentive for non-polluting alternate forms of energy? Where are the incentives to promote more efficient use of the old sources? Pull your head from the sand. It is high time you realized a new era is upon us.

CRISTINA.

To Whom It May Concern,

Fuel costs are killing the average citizen in Idaho. It is bad enough that the price of getting to work is costing more than many can afford, but the prices in the grocery stores are also rising exponentially as the cost of shipping skyrockets and the cost of running farm equipment to produce the food skyrockets. To make things worse, Congress, once again with good intentions but not a clue of the damage they would do, are adding to the situation with the ridiculous bio-fuels subsidies. Bio-fuels are horribly inefficient, but the cost of corn to feed dairy cattle and fatten beef cattle is becoming unaffordable. To make things worse, these terrible incentives to plow up hay fields and raise corn is leaving livestock owners unable to buy hay. Horses are being turned loose or shot by owners who cannot get or afford hay to feed them. Once again the bloated farm bill is putting billions of dollars into the hands of a few farming corporations while small farmers and livestock owners are left to struggle against high fuel and feed costs created by Congress. PLEASE repeal these stupid restrictions on oil exploration and refining, as well as that awful subsidy on bio-fuels. They are counterproductive and just plain stupid.

PAT, Priest River.

Dear Senator Crapo,

High gas and energy prices are affecting everyone negatively but I would rather respond to the second part of your email.

Americans are not "too dependent on petroleum," as you said; we are just too dependent on *foreign* petroleum. We can thank Mr. Clinton and subsequent leaders and legislators for the predicament we find ourselves in today. They have caved in to the "environmentalists", a very small percentage of Americans, and not allowed us to provide for our own oil needs. These foolish politicians have put us and our economy in a very precarious position.

We need to pursue nuclear power and domestic drilling and refining of petroleum and take control of providing for our needs instead of relying on foreign volatile suppliers. If Congress would pass just one piece of legislation to allow us to drill and supply our own oil, our foreign suppliers would drop prices immediately in fear that we will completely cut them out of the loop someday. We do not need to continue any "food for fuel" programs as you can see what that has done to our economy and the food shortage in other parts of the world.

Finally, please inform others in Congress that our country is a capitalistic society and that oil companies deserve to profit for the risks they take and the product they supply to Americans. If anybody has received a "windfall" it is the federal, and to a lesser degree state, government which receives undeserved profits. They receive much more money from the sale of gas in our country than the oil companies and they have not done one thing for the money they get for each gallon sold. The latest figures I have read were that oil companies average 4 percent of profit from each gallon sold while taxes account for 16 percent of each gallon sold.

Please understand that I am angered by this situation but that anger is in no way directed at you. You have done a fine job representing the views of us conservative Republicans in Idaho. Keep up the good work.

Sincerely,

ROBYN.

Dear Senator,

I'm a fan of yours, as is my wife. We both have been registered Democrats all our lives, but in the mid-term election of 2006, we both re-registered as Independents so as to distance ourselves from our party, as they seem to have gone off the deep end. I remember when Democrats were proud Americans. And though there are a few of us left, most of the party of Rosie O'Donnell, Michael Moore, Al Franken, and certain Senators and Congressmen (and women) are little more than Socialists. And that is giving them the benefit of the doubt. My wife and I both voted for Reagan, by the way, and we will vote Republican till we see a difference in the far left that has taken over our party. Who knows? We may be registered Republicans before too long.

Enough about our distaste for the Democrat Party of today, except to say that it seems voting on issues such as this go down party lines, with even a few Republicans taking the wrong side on issues such as energy, illegal immigration, and homeland security which I consider to be one and the same.

We know there are many billions of barrels of crude off our shores, but the Democrats keep us from drilling. There is even more possibly in the Dakotas and Montana, not to mention the shale oil out here in the West and the coal-to-oil or coal-to-gas technology. All we have to do is start drilling and build more refineries and the price of oil from OPEC will drop drastically! I dropped out of college, but I know this, so Washington should too. I do not know what is up with

the Democrats, but they want the United States to fail in every way, it seems!

Now, a little more about my wife and I. We are both disabled after working hard all our lives and had a good income till our disabilities set in. She went down first, and I followed a few years later. God put us together for a reason, I have to believe. It must be so we could lean on each other. But needless to say we live on a small, fixed income and, eight years ago, my wife's mother had to come and live with us because she has Alzheimer's Disease. We got along OK, I guess, till the gas prices shot up.

I remember 1973 and 1981. I know the prices go up and never come back down to the point they were, even long after the "crisis" is over. In ten or so years, it is possible we could be self-sufficient as far as petroleum and natural gas go. If we drill everywhere we can, build refineries to process the crude, in 10-12 years, we could have gas prices back to something where we could afford to eat.

Because it is not just the gas prices, it is everything that has to be trucked or shipped by air. Airlines are going belly up, we cannot afford to eat food that is good for us so we have to go to a high starch, low protein diet which will kill us quicker. The long term solution is other means and other types of fuel. But in the short term, the NOW term, we need to drill and I'll even say, having lived in Alaska for a few years, if people knew how vast the 49th state is, they would say "Go right ahead, drill!" Because it would not hurt any animals, the pipeline could hook right up to the one that already runs from Prudoe Bay to Valdez. It is simple really, but Congress has always found a way to make it hard. Our whole government seems to be "out of touch" with its citizens' needs.

Did you know that ANWR is 700 miles from the nearest tree? There is nothing there! But oil if we drill it. And we wouldn't have to drill there if we drilled off shore, in the Dakotas and Montana, used coal-to-oil technology. The ocean floor pollutes more in seepage than drilling ever could because we have "green" technology, and they do not shoot up toward the skies anymore like the old black and white movies always show it.

But these gas prices just kill people like my wife and others in our situation. We get our fair share every month on the third because we both started working when we were teenagers (I was told this helped with the money part), and my wife's mother is 71 and worked her whole life. But we are still a family of three with kids who are grown, and six wonderful grandchildren who we like to make sure their birthdays and Christmases are filled with gifts from us that cost money which we do not have. If I could afford a Prius, I'd buy one! (maybe). But the fact is I have a '96 Plymouth Voyager and that has to last me the rest of my life, hopefully.

So I need lower gas prices and, as I ramble on here (you invited me to—LOL), I know the solution and so do most of the Republicans and even some Democrats, except they won't let us drill. It seems that the parties have to follow like lemmings and they just cannot think for themselves.

Other countries are drilling OUR oil right off our coasts! They are, and I'll tell you how. They drill down and then make a 60-90 degree turn and go under our waters and even under our land and are going to get our oil while leasing waters from Cuba! This, sir, makes me sick!!! If I were in charge, I'd drill right through a polar bear's skull, if I had to, to get at the oil that we have more of than Saudi Arabia! We do! OK. Not really.

But the polar bear was put on the endangered species list, when they have grown six-fold in number (where's the sense in that?). There are five, six times as many polar bears now than there were 255 years ago, and NOW

they decide to put them on the endangered species list? And merely to keep us from drilling in Alaska. I'll close by saying this: Please try to persuade all Republicans and any Democrats you know that may come over to the common sense side of it all and allow us to drill! That is the only way we will be energy self-sufficient in the next ten years, unless Al Gore is going to buy me an electric minivan.

And just a quick note: I do not know if I believe global warming exists, but even more, I am pretty sure that, if it does indeed exist, man is not responsible for it. I have personally talked to scientists and saw an interview on the "Glenn Beck" program with the founder of "The Weather Channel" and he said that global warming or climate change is the biggest hoax ever pulled on the American people and the world! It is merely a cycle the earth goes through and if you look back to about 60-70 years ago, you'd see the same cycles and temperatures and storms, etc.

OK, Senator, I'm done. I hope you find time to personally read this, because you are one of the good ones who seems to be in touch with the people's needs, along with the country's needs. You have always done a good job and, for the most part, I like the way you vote.

Thank you,

RICHARD and KELLEY.

Now you are talking, Senator. . . . If more Senators and Congress Representatives started asking the people to share their thoughts, ideas, and struggles that we are all being put through with this energy crisis, we could believe that government really had our interest at heart, instead of just their own. I have done a lot of research in past months, and find it hard to understand with all the oil we have here in our own country, and we know we have it. Why do we go elsewhere for it and, literally, held ransom while someone else profits?

And on another issue of being held hostage for energy, are all these utility companies. We always hear on the news, how much profit they made, and then how much more it is going to cost us, "We the People," for its use, and then they have the gall to announce their big corporate raises. If we have to suffer the higher costs, then they should also, by waiving their raises until things are under control again. That is my thought on this, as well as many others.

We are a family of four seniors on fixed incomes, all with health issues. My mom is 85, bedridden. And my brother-in-law is a three-time cancer survivor, a shell of a man. He served two terms in Vietnam in the midst of Agent Orange and cannot even get any veteran's compensation. His wife is his caregiver, and she suffers horribly from fibromyalgia. I'm a widow and a caregiver for my mom, who is also now a widow. We have had to come together in order to survive. So we have to watch carefully every penny we spend. We live 15 miles out of town, and have to watch how many trips we take into town so as not to waste gas. We have cut back to using one car, and try to correlate our doctor visits and trips to the pharmacy. And it still costs as much or more than it did using two cars before the price gouging.

I am a lot more in tune to what is going on in this country and how we are being treated by our own government. It is really criminal to say the least. We, who have worked our whole life paying into our system and serving our country in loyalty, and with our lives, we deserve to be treated with far more respect than we get. Senator, we know that this system is working hard to take our sovereignty from us. We are not stupid people;

we see and read beyond what the system wants us to know. Please be one of those who are on the side of people, for our freedom of Constitutional rights.

Long live the United States of America, where our flag flies with pride, and blood has been shed in her honor.

Respectfully,

ANDREA.

Senator Crapo,

I manage an insurance agency with twenty independent salespeople at Farm Bureau Insurance. I could give you quite a few stories, but the one I am most familiar with is my son that works for us. He is 35 years old and has triplets that are two-and-one-half years old. He also has an eleven-year-old and a nine-year-old, so he has a full house. His wife is obviously now a stay-at-home mom, but the energy crunch along with grocery inflation is absolutely devastating. He coaches his Little League baseball traveling team and so between his sales career, baseball, and running kids all over, his gas bill alone is between \$600 and \$700 per month. With the triplet children, the vehicle has to be a large, used SUV. Couple that with his pick-up, and the gas mileage is not the greatest! The larger vehicles, however, are a necessity. This is just the icing on the cake when you also consider the larger house that they now live in with increased utility costs plus the inflated cost of groceries, especially milk. It is time that we start drilling and looking for an effective domestic energy policy and quit outsourcing on energy to foreign soil. We sincerely hope that Congress does something and soon, and that they develop a long term comprehensive policy to prevent future similar crises.

RON.

To the powers that be:

I am a handicapped woman existing on my Social Security and let me tell you, it only goes so far. I live outside of town about six miles and granted, that is not a great distance, but it adds up very fast. As you know, Social Security really is not enough to live on, and now I am having to add in outrageously high fuel prices for my furnace and car.

We live in the greatest nation, the richest nation and still we are dependent on foreign fuel to meet our needs. Why is that? We have the capacity to be so much more independent and yet, the consumer, me, pays out and pays out until there is nothing left. Will I be able to save any money to pay for my burial? No, not at the rate things are going. It is a sad commentary on the government when those who have not have to take care of those that have. . . . sad, indeed.

It is time for government to be "of the people" once again, and not out for their own individual gain.

CINDY.

ADDITIONAL STATEMENTS

THILMANY PAPERS

• Mr. KOHL. Mr. President, I want to take a quick moment to congratulate Thilmany Papers of Kaukauna, WI, on their 125th year anniversary. From humble beginnings with 18 employees, it has grown to a family of 1,000 employees today. This trusted paper manufacturer, founded on the banks of the Fox River 125 years ago, continues to provide specialty papers with a customer service record unmatched in eastern Wisconsin.

One of the names most closely associated with the progress of Kaukauna is Oscar Thilmany. A German immigrant who arrived in the United States in 1866, he tried his hand at a variety of occupations, going from a journalist for a New York newspaper to a company involved in wood preserving.

In Thilmany Pulp and Paper Company, Mr. Thilmany found his calling. With that calling came one of the most successful paper companies in all of Wisconsin today. I congratulate Thilmany Papers on their 125th anniversary and wish them much success in the years ahead.●

120 YEAR PARTNERSHIP

● Mr. SUNUNU. Mr. President, today I recognize the 120th anniversary of State veterans' homes, SVHs.

Following the Civil War, a large number of newly disabled veterans struggled to earn a living as they adjusted back to civilian life. While the Federal Government operated national homes for qualifying Union volunteer soldiers, the total number of veterans in need of care was overwhelming.

In order to meet this need, a number of States independently opened SVHs to care for those injured in service to their country. The first such home opened in Rocky Hill, CT, in 1864.

In August 1888, aware it had a responsibility to assist those who had so diligently and honorably served their country, Congress pledged Federal funding to assist with the operation of existing and future SVHs. This original \$250,000 appropriation provided States with \$100 per eligible veteran enrolled in an SVH to assist in providing needed support to those who could no longer care for themselves.

Over time, as the number of veterans requiring care increased, the Federal Government responded by providing the States with added assistance. With the establishment of the Veterans' Administration, VA, in 1930, SVHs were expanded to include three levels of care, and in 1960, Congress established a per diem payment system to replace the annual appropriation and better reflect the funding needs of the Nation's SVHs. Finally, in 1964, Congress initiated the State Home Construction Grant Program, which provided further Federal assistance and created the opportunity for a dramatic increase in the quantity and quality of SVHs.

During this time, the National Association of State Veterans Homes, NASVH, was founded to promote legislation at the national level and increase communication among the Nation's SVHs. In partnership with the VA, the NASVH continues to advocate in support of the country's needy veterans and has been instrumental in increasing per diem and other funding rates.

Today, 120 years since the original appropriation, this State and Federal partnership has flourished. Currently, SVHs serve as one of the country's

largest long-term care providers—offering approximately 30,000 total beds at more than 130 SVHs nationwide. In a typical year, State veterans homes will furnish nearly 7 million days of nursing home care and about 1.5 million days of domiciliary care.

In New Hampshire, veterans receive the highest quality of care under the watchful eye of Commandant Barry Conway and his extremely capable staff in Tilton. It is because of these dedicated men and women in New Hampshire and around the country that our elder veteran community receives the care they have earned and deserve.●

RECOGNIZING AMBER MULDER

● Mr. THUNE. Mr. President, today I recognize Amber Mulder, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Amber is a graduate of Western Christian High School in Hull, IA. Currently she is attending Hamline University School of Law. Amber is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Amber for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING BETSY POPPENS

● Mr. THUNE. Mr. President, today I recognize Betsy Poppens, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Betsy is a graduate of Marion High School in Marion, SD. Currently she is attending Northwestern College, where she is majoring in public relations. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Betsy for all of the fine work she has done and wish her continued success in the years to come.●

125TH ANNIVERSARY OF ALPENA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Alpena, SD. The town of Alpena commemorated its 125th anniversary of its founding with celebrations June 20–22, 2008.

Located in Jerauld County, Alpena was founded in 1883 and was named after the hometown of founder and railroad superintendent C.H. Prior. Since its beginning 125 years ago, the community of Alpena has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Alpena on this

milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF ARTESIAN, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Artesian, SD. The town of Artesian commemorated its 125th anniversary of its founding with celebrations July 4–6, 2008.

Located in Sanborn County, Artesian was founded in 1883 and was named after the abundance of flowing wells in the area, known as artesian wells.

Since its beginning 125 years ago, the community of Artesian has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Artesian on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF BRUCE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Bruce, SD. The town of Bruce will commemorate its 125th anniversary of its founding with celebrations July 24–27, 2008.

Located in Brookings County, Bruce was founded in 1883 and was named after statesman B.K. Bruce, who was the first African American to serve a full term in the United States Senate. Since its beginning 125 years ago, the community of Bruce has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Bruce on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF CENTERVILLE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Centerville, SD. The town of Centerville will commemorate the 125th anniversary of its founding with celebrations July 3–6, 2008.

Located in Turner County, Centerville was founded in 1883. It earned its name because of its location halfway between Yankton and Sioux Falls, and midway between Parker and Vermillion.

Since its beginning 125 years ago, the community of Centerville has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Centerville on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF CORONA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Corona, SD. The town of Corona commemorated its 125th anniversary of its founding with celebrations June 20–22, 2008.

Located in Roberts County, Corona was founded in 1883. Since its beginning 125 years ago, the community of Corona has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Corona on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF EPIPHANY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Epiphany, SD. The town of Epiphany will commemorate its 125th anniversary of its founding with celebrations August 1–3, 2008.

Located in Hanson County, Epiphany was founded in 1883. Since its beginning 125 years ago, the community of Epiphany has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Epiphany on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF ETHAN, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Ethan, SD. The town of Ethan commemorated its 125th anniversary of its founding with celebrations June 13–15, 2008.

Located in Davison County, Ethan was founded in 1883 and was named after Revolutionary War patriot Ethan Allen. Since its beginning 125 years ago, the community of Ethan has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Ethan on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF GETTYSBURG, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Gettysburg, SD. The town of Gettysburg will commemorate its 125th anniversary of its founding with celebrations June 27–29, 2008.

Located in Potter County, Gettysburg was founded in 1883, and was named after the Civil War battle site, Gettysburg Pennsylvania.

Since its beginning 125 years ago, the community of Gettysburg has continued to serve as a strong example of South Dakota traditions and values.

I would like to offer my congratulations to the citizens of Gettysburg on

this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF HOT SPRINGS, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Hot Springs, SD. The town of Hot Springs commemorated its 125th anniversary of its founding with celebrations June 27–29, 2008.

Located in Fall River County, Hot Springs was founded in 1883. Originally called “Minnekahta” which means “warm waters”, the town’s name was changed to Hot Springs in 1886.

Since its beginning 125 years ago, the community of Hot Springs has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Hot Springs on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF HURLEY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Hurley, SD. The town of Hurley will commemorate its 125th anniversary of its founding with celebrations July 25–27, 2008.

Located in Turner County, Hurley was founded in 1883 and still contains the Arthur Nelson Museum as the town’s historical focal point. Since its beginning 125 years ago, the community of Hurley has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Hurley on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF IPSWICH, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Ipswich, SD. The town of Ipswich commemorated its 125th anniversary of its founding with celebrations June 13–15, 2008.

Located in Edmunds County, Ipswich was founded in 1883 and was named after a city of the same name in Britain. Since its beginning 125 years ago, the community of Ipswich has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Ipswich on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF NEW UNDERWOOD, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize New Underwood, SD. The town of New Underwood will commemorate its 125th anniversary of its

founding with celebrations August 30–September 1, 2008.

Located in Pennington County, New Underwood was founded in 1883. Since its beginning 125 years ago, the community of New Underwood has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of New Underwood on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF MINA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Mina, SD. The town of Mina commemorated its 125th anniversary of its founding with celebrations on July 3, 2008.

Located in Edmunds County, Mina was founded in 1883. Since its beginning 125 years ago, the community of Mina has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Mina on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF ONIDA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Onida, SD. The town of Onida will commemorate its 125th anniversary of its founding with celebrations August 7–10, 2008.

Located in Sully County, Onida was founded in 1883 and was named after Oneida, New York, with the intentional misspelling. Since its beginning 125 years ago, the community of Onida has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Onida on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF PIERRE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Pierre, SD. The town of Pierre commemorated its 125th anniversary of its founding with celebrations June 18–22, 2008.

Located in Hughes County, Pierre was founded in 1883 and was named after Fort Pierre and Pierre Choteau Jr. of the American Fur Company. Since its beginning 125 years ago, the community of Pierre has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Pierre on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF ROSCOE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Roscoe, SD. The town of Roscoe will commemorate its 125th anniversary of its founding with celebrations July 4-6, 2008.

Located in Edmunds County, Roscoe was founded in 1883 and was named after Roscoe Conkling, who served as Senator of New York from 1867 to 1881. Since its beginning 125 years ago, the community of Roscoe has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Roscoe on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF TULARE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Tulare, South Dakota. The town of Tulare commemorated its 125th anniversary of its founding with celebrations June 20-22, 2008.

Located in Spink County, Tulare was founded in 1883. Since its beginning 125 years ago, the community of Tulare has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Tulare on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF WILLO LAKE, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Willow Lake, SD. The town of Willow Lake commemorated its 125th anniversary of its founding with celebrations July 4-6, 2008.

Located in Clark County, Willow Lake was founded in 1883 and was named after the nearby lake, Willow Lake.

Since its beginning 125 years ago, the community of Willow Lake has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Willow Lake on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF WOLSEY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Wolsey, SD. The town of Wolsey commemorated its 125th anniversary of its founding with celebrations June 27-29, 2008.

Located in Beadle County, Wolsey was founded in 1883. Since its beginning 125 years ago, the community of Wolsey has continued to serve as a strong example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Wolsey on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on July 9, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Under authority of the order of the Senate of January 4, 2007, the enrolled bill was subsequently signed by the Vice President during the recess of the Senate, on July 9, 2008.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 802. An act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building".

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building".

H.R. 5168. An act to designate the facility of the United States Postal Service located

at 19101 Cortez Boulevard in Brooksville, Florida, as the "Cody Grater Post Office Building".

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the "William 'Bill' Clay Post Office Building".

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building".

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the "Texas Military Veterans Post Office".

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

At 2:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

The message also announced that the House has passed the following bill, without amendment:

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3329. An act to provide housing assistance for very low-income veterans.

H.R. 4174. An act to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

H.R. 4461. An act to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

H.R. 5541. An act to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

H.R. 5811. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

H.R. 6061. An act to designate the facility of the United States Postal Service located

at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building".

H.R. 6184. An act to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

H.R. 6216. An act to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes.

H.R. 6382. An act to make technical corrections related to the Pension Protection Act of 2006, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes.

At 6:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 1286. An act to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, and requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Messrs. WATT, CLAY, KLEIN of Florida, MAHONEY of Florida, BACHUS, Mrs. BIGGERT, Mrs. CAPITO, Messrs. GARRETT of New Jersey, and PRICE of Georgia.

From the Committee on Energy and Commerce, for consideration of section 302 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, BOUCHER, and BARTON of Texas.

From the Committee on Transportation and Infrastructure, for consideration of sections 7 and 2 of the House bill, and sections 107, 119, and 301 of the Senate amendment, and modifications committed to conference: Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. BRALEY of Iowa, and GRAVES.

For consideration of sections 7 and 35 of the House bill, and section 128 of the Senate amendment, and modifications committed to conference: Mr. TAYLOR.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1286. An act to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; to the Committee on Energy and Natural Resources.

H.R. 3329. An act to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4461. An act to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5541. An act to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5811. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6061. An act to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the "Kenneth James Gray Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6184. An act to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6216. An act to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4174. An act to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-7089. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the feasibility study that was undertaken to evaluate hurricane and storm damage reduction opportunities for Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes (Rept. No. 110-411).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2291. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes (Rept. No. 110-412).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1499. A bill to amend the Clean Air Act to reduce air pollution from marine vessels (Rept. No. 110-413).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2844. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes (Rept. No. 110-414).

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 462. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes (Rept. No. 110-415).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself, Mr. SANDERS, and Ms. MIKULSKI):

S. 3237. A bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. TESTER, Mr. BARRASSO, Mrs. McCASKILL, Mr. DOMENICI, Mr. DORGAN, Mr. ALLARD, Mr. SALAZAR, and Mr. NELSON of Nebraska):

S. 3238. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself, Mr. DODD, and Mr. MENENDEZ):

S. 3239. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, and Mr. COCHRAN):

S. 3240. A bill to promote energy production and security in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 3241. A bill to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the "CecCee Ross Lyles Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. ROBERTS):

S. 3242. A bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. DEMINT):

S. 3243. A bill to amend the Internal Revenue Code of 1986 to allow expenses relating to all home schools to be qualified education expenses for purposes of a Coverdell education savings account; to the Committee on Finance.

By Mr. VITTER:

S. 3244. A bill to amend the Internal Revenue Code of 1986 to expand the Coverdell education savings accounts to allow home school education expenses, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. CARDIN, and Mr. KERRY):

S. 3245. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Ms. SNOWE, and Ms. MIKULSKI):

S. 3246. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3247. A bill to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. CANTWELL):

S. 3248. A bill to amend the Commodity Exchange Act to clarify the treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3249. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property; to the Committee on Finance.

By Mr. CORNYN:

S. 3250. A bill to disqualify any individual who engages in or is convicted of human smuggling from operating a commercial motor vehicle or holding a commercial driv-

er's license and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Mr. GRASSLEY):

S. 3251. A bill to amend the Federal Crop Insurance Act and the Trade Act of 1974 to authorize advance payments under the supplemental revenue assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself, Mr. LEVIN, Mr. MENENDEZ, Mr. REED, Mr. TESTER, Mrs. MCCASKILL, Mr. AKAKA, Mr. CASEY, Mr. OBAMA, Mr. KERRY, Mrs. CLINTON, Mr. SANDERS, and Mr. WHITEHOUSE):

S. 3252. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 3253. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 1689

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2204

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2204, a bill to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming, and for other purposes.

S. 2630

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr.

MARTINEZ) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2731

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2838

At the request of Mr. MARTINEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2838, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 2851

At the request of Mr. BUNNING, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2851, a bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers.

S. 3089

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3089, a bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

S. 3116

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3116, a bill to amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes.

S. 3118

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.

3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3185

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3185, a bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. OBAMA), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Ms. MURKOWSKI), the Senator from New York (Mrs. CLINTON), the Senator from New Hampshire (Mr. GREGG), the Senator from Indiana (Mr. LUGAR), the Senator from North Carolina (Mrs. DOLE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3214

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3214, a bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 602

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 602, a bill supporting the goals and ideals of "National Life Insurance Awareness Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself, Mr. SANDERS, and Ms. MIKULSKI):

S. 3237. A bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASEY. Mr. President, I rise today to introduce legislation, along with my colleagues Senator SANDERS and Senator MIKULSKI, that will provide immediate assistance to our Nation's volunteer firefighters who have been severely affected by the rising cost of gasoline and diesel fuel. This bill, the Supporting America's Volunteer Emergency Services Act, or SAVES Act, will establish a new grant program at the Department of Housing and Urban Development to help qualifying volunteer fire companies cope with the strain that today's gas and diesel prices have put on their already tight operating budgets. According to the United States Fire Administration, over 22,141 fire companies, 89 percent of all fire companies in the United States, are volunteer or majority volunteer companies. 39 percent of our country's population, some 117 million people, relies on these volunteer forces to protect their homes and businesses. In recent months, I have heard from fire chiefs across Pennsylvania about the effect that high gas and diesel prices are having on their daily operations. Some have expressed serious concerns that fuel costs are preventing them from responding to emergency calls with the amount of equipment recommended by their National Fire Protection Association guidelines. This poses a serious risk to public safety. Congress has an obligation to address this issue, for we simply cannot afford to let high gas prices stand in the way of firefighters' ability to provide local families and businesses with the help they need.

I was lucky to have 6 fire chiefs from York County, Pennsylvania, on hand today to help me bring attention to this issue. These gentlemen, Deputy Chief Barry Emig of the York Area United Fire and Rescue, Deputy Chief Joe Madzalan of the Manchester Township Fire Services, Chief William Carlisle of the Fairview Township Fire Department, Assistant Chief Trever Rentzel of the Manchester Union Fire Company, chief Tony Myers of the Shrewsbury Fire Department, and Chief John Senft of York City Fire and Rescue, have helped me and others understand the impact that high fuel prices have made on each of their departments' bottom line. I want to thank them for going above and beyond the call of duty to help me in this effort.

The program created under the SAVES Act would set a baseline gas and diesel price using 2007 price data. Each year, volunteer companies that

wished to participate would submit their annual fuel receipts. They would then be eligible to receive 75 percent of the difference between how much they paid for gas and diesel that year, and how much that same amount of fuel would have cost at 2007 prices. This straightforward, commonsense approach will help to ensure that volunteer fire companies do not have to restrain their response to emergency calls.

I would like to thank my colleagues Senator SANDERS and Senator MIKULSKI for agreeing to serve as original cosponsors of this important legislation. In addition, I appreciate the leadership of Congressman JASON ALTMIRE in offering companion legislation in the House of Representatives. I hope that my colleagues in the Senate will join me in helping to pass the SAVES Act immediately so that our volunteer fire companies can receive some much-needed relief on their next trip to the pump.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting America's Volunteer Emergency Services Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Federal Emergency Management Administration, in 2006 there were—

(A) 807,150 volunteer firefighters, nearly 73 percent of all active firefighters; and

(B) 19,915 all-volunteer fire companies nationwide, servicing 22.6 percent of the population of the United States and 4,105 companies comprised of a majority of volunteers, servicing 16.3 percent of the population of the United States.

(2) These volunteer companies, especially those serving communities of fewer than 5,000 residents, rely heavily upon fund-raising efforts and other potentially unreliable sources of funding for their basic operating expenses.

(3) According to the Energy Information Administration, between June 2003 and June 2008, the price of regular grade gasoline and diesel fuels rose 171 percent and 229 percent, respectively.

(4) These rising costs represent an unavoidable burden, and have placed serious constraints on the ability of volunteer companies to respond to fire emergencies.

SEC. 3. DEFINITION OF QUALIFIED VOLUNTEER FIRE DEPARTMENT.

In this Act, the term "qualified volunteer fire department" has the same meaning given that term in section 150(e) of the Internal Revenue Code of 1986.

SEC. 4. GASOLINE AND DIESEL FUEL SUBSIDY PROGRAM.(a) **ESTABLISHMENT OF BASELINE.**—(1) **IN GENERAL.**—The Secretary of Housing and Urban Development shall, for calendar year 2007, determine for each of the 5 Petroleum Administration for Defense Districts the average annual price per gallon for—

- (A) gasoline; and
- (B) diesel fuel.

(2) **BASIS FOR PRICE PER GALLON.**—The average annual price per gallon determined under paragraph (1) shall be based solely on data reported by the Energy Information Administration.(3) **BASELINE.**—The price per gallon determined under paragraph (1) shall serve as the baseline fuel cost for each Petroleum Administration for Defense District.(b) **PAYMENTS.**—(1) **SUBMISSION OF RECEIPTS.**—At the end of each calendar year, each qualified volunteer fire department seeking reimbursement under this section shall submit to the Secretary of Housing and Urban Development all of its receipts and bills of sales documenting the amounts of gasoline and diesel fuel purchased by such department during that calendar year. Each department shall also provide a sum total of the—

(A) aggregate number of gallons of gasoline and diesel fuel purchased by the department during that calendar year; and

(B) costs of purchasing such gasoline and diesel fuel.

(2) **DETERMINATION OF SUBSIDY AMOUNTS.**—The Secretary of Housing and Urban Development shall reimburse a qualified volunteer fire department for 75 percent of the difference between—

(A) the actual expenditures of the department for gasoline and diesel fuel for a calendar year as determined under paragraph (1); and

(B) the amount that such expenditures would have cost had the department determined such expenditures utilizing the baseline fuels costs determined under subsection (a).

(3) **SPECIAL RULE RELATING TO STATES SALES TAX.**—If the State in which a qualified volunteer fire department is located does not charge local or State fuel taxes on such departments when such departments purchase gasoline or diesel fuel, the amount of such omitted sales tax shall be added back to any determination made under paragraph (2)(A).(c) **REGULATIONS.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate such regulations as may be necessary to implement and administer the grant and subsidy programs authorized by this section.**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. JOHNSON (for himself,
Mr. ENZI, Mr. TESTER, Mr.
BARRASSO, Mrs. McCASKILL, Mr.
DOMENICI, Mr. DORGAN, Mr. AL-
LARD, Mr. SALAZAR, and Mr.
NELSON of Nebraska):

S. 3238. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, I come before the Senate today to discuss a critically important issue to the livestock industry in South Dakota and across the United States, that being the United States Department of Agriculture's, USDA, proposal to regionalize Argentina for Foot-and-Mouth Disease, or FMD. FMD is a highly contagious and airborne disease affecting ruminants and swine. The disease is so destructive that FMD is considered to be the most economically devastating of all livestock diseases, according to the American Veterinary Medical Association. An outbreak in Great Britain in 2001, for example, cost the economy nearly \$20 billion and led to the slaughter of over 6 million animals. It is with concern for the health and viability of our domestic cattle, sheep, and swine farmers and ranchers that Senator ENZI joins me today in introducing legislation to stop this fundamentally flawed proposal.

This legislation enjoys significant organizational support from our livestock sector, including the American Sheep Industry Association, the South Dakota Cattlemen's Association, R-CALF, the South Dakota Stockgrowers Association, the U.S. Cattlemen's Association, the National Farmers Union, the Western Organization of Resource Councils, and Dakota Rural Action. As a highly credible scientific and veterinary entity, a poll was taken within the National Assembly of State Animal Health Officials, NASAHO, and an overwhelming majority of respondents are opposed to regionalization of Argentina for FMD. Our South Dakota State Veterinarian and the President of NASAHO, Dr. Sam Holland, has been invaluable during this process and I thank him for his guidance and extensive expertise on this issue. The majority of veterinarians within NASAHO oppose regionalizing for FMD for a variety of reasons, and Dr. Holland relayed the following causes of concern from State veterinarians for USDA's proposed rule: Economic benefits do not justify the tremendous risk. Inability to effectively monitor risk. Resources, biosecurity, and experience in monitoring freedom are inadequate. Regionalization for one of the world's most highly contagious virus disease, FMD, is much more complicated than regionalization for tuberculosis, brucellosis and many other diseases. FMD virus is not only arguably the most contagious virus known for animals, but also is particularly resilient in the environment and may persist in fomites and be transmitted by such through aerosol or contact. Argentina has not experienced an extended time-frame of several years of FMD freedom.

This bill would prohibit the importation of ruminants and swine and fresh or frozen ruminant and pork products from any region of Argentina until the United States Department of Agriculture can certify to Congress that Argentina is free of Foot and Mouth Disease without vaccination. While re-

gionalization may be a viable option for other livestock diseases, the extremely contagious nature and significant economic impact of FMD dictates that we must treat countries as a whole, and that a country must demonstrate its ability to remain free of FMD. While the USDA is moving to set a precedent with this rule regarding its protocol for FMD, this bill is a common sense response that USDA's proposal is simply not good policy for American ranchers and farmers and for our domestic livestock herds.

Mr. ENZI. To my friend from South Dakota, I ask whether this legislation would interfere with the current status of trade with product from countries with a presence of FMD?

Mr. JOHNSON. My friend from Wyoming raises an excellent question and I'm pleased to answer it. It is not our intention or the effect of this bill to disrupt the status quo, and our legislation would leave the current state of trade intact. Our Code of Federal Regulations allows for the importation of certain dried, cured or cooked product from countries with a known presence of FMD. This bill will only prohibit product that poses a risk for disease transmission, including fresh, chilled or frozen, product or live animals.

Mr. ENZI. Another point of clarification would be why it is necessary to specify that no product or live animals should be imported until Argentina is free of FMD without vaccination. Can the Senator from South Dakota also discuss the intention of that prerequisite?

Mr. JOHNSON. The Johnson-Enzi bill mandates that Argentina's FMD-free status must be achieved without vaccination. This is the acceptable standard for trade and also ensures that the disease is truly eradicated from the herd, and not suppressed or hidden. While this one region in Argentina is thought to be FMD free, this one region within Argentina and Argentina as a whole is surrounded by the presence of FMD, while the United States has been free of FMD since 1929 and is free of FMD without vaccination. Additionally, the United States shares borders with our FMD-free neighbors, who are certified as free without vaccination.

As discussed by NASAHO, Argentina has, quite simply, failed to remain free of FMD for any length of time, which is a basic component to proving the continuity and adequacy of Argentina's infrastructure. As recently as 2001, Argentina experienced an FMD outbreak that it failed to report for months. This raises serious questions about Argentina's approach to communication about this disease in the future, and I don't feel that these questions have been adequately answered at this time.

I thank Senator ENZI and the organizations who have dedicated their time and support for this measure, and I will continue to work with my colleague from Wyoming in the best interest of our American farmers and ranchers.

Mr. ENZI. I am pleased to support this bill with my colleague from South Dakota. My friend has done an excellent job of explaining how this legislation is an important safeguard for our livestock producers, and I would like to add a few comments about the continued need for vigilance when it comes to animal health threats. A wide range of veterinary professionals and livestock producers recognize the threat that Foot-and-Mouth Disease poses to the U.S. livestock industry. If the United States is to continue producing and selling the highest quality meat products in the world, our country must be free of the most dangerous ailments that affect the livestock which enter the market.

The economic threat Foot-and-Mouth Disease poses to our country cannot be underestimated. Disease outbreaks threaten the livelihood of our nation's ranchers and undermine foreign markets for our meat products. One can only look to the economic damage Foot-and-Mouth Disease caused to Britain in 2001 to gauge how significant this threat is to the United States. The highly contagious nature of this disease and the growing international trade of livestock equate the regionalization of Foot-and-Mouth Disease in Argentina to mixing fire with gasoline. I am glad that my colleague mentioned how Foot-and-Mouth Disease is unique and that regionalization would not work with this disease as it has with other animal ailments.

Our cattle, sheep, and swine already face a number of animal health challenges and now is not the time to open up our country to new diseases. Requiring Argentina to be FMD free without using vaccination is not asking too much. This is the same condition the United States and our neighbors already operate under in the trade of livestock. This bill, respected by a large number of state veterinary officials, recognizes this threat and ensures that the proper safeguards remain in place to prevent Foot-and-Mouth Disease from reaching our shores.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 3238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foot and Mouth Disease Prevention Act of 2008".

SEC. 2. PROHIBITION ON IMPORTATION OF ARGENTINE RUMINANTS AND SWINE UNTIL ARGENTINA IS FREE OF FOOT AND MOUTH DISEASE WITHOUT VACCINATION.

The Secretary of Agriculture shall prohibit the importation into the United States of any ruminant or swine, or any fresh (including chilled or frozen) meat or product of any ruminant or swine, that is born, raised, or

slaughtered in Argentina until the Secretary certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

JULY 7, 2008.

Hon. TIM JOHNSON,
Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.

Hon. MIKE ENZI,
Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: The American Sheep Industry Association, (ASI) on behalf of the 70,000 farm and ranch families producing lamb and wool in the United States, strongly supports your legislation regarding sheep and meat imports from Argentina.

This legislation is absolutely critical to the future of a healthy sheep industry in America.

In fact, the proposal to regionalize trade in live sheep and sheep meat drove industry concerns and questions about the trade and disease risks to point that this is a top issue of the state and national associations of the sheep industry.

We commit our support for approval of this legislation and commend your leadership in addressing appropriate livestock and meat trade standards on behalf of the nation's livestock industry.

Sincerely,

BURDELL JOHNSON,
ASI President.

UNITED STATES CATTLEMEN'S ASSOCIATION
P.O. BOX 339—SAN LUCAS, CA 93954

USCA (July 10, 2008)—The U.S. Cattlemen's Association (USCA) today hailed the introduction of legislation in the U.S. Senate that would block meat shipments from Argentina until that country is free of Foot and Mouth Disease (FMD), an airborne livestock disease that is devastating to livestock production.

Senator Tim Johnson (D-SD) and Senator Mike Enzi (R-WY) introduced the Foot and Mouth Disease Prevention Act of 2008, which would add common sense to a proposal by the U.S. Department of Agriculture (USDA) that would allow importation of Argentine fresh and prepackaged beef, lamb and other meat from select regions of Argentina, as well as live animals.

"Cattlemen from across the country appreciate Senator Johnson and Senator Enzi along with the other co-sponsors of this important legislation," said Jon Wooster, a California rancher and USCA president. "We're calling it the 'Keep America FMD-Free bill'."

Wooster explained that an outbreak of FMD within the U.S. cattle industry would bring livestock commerce to a standstill overnight and would likely result in the depopulation of millions of cattle, hogs, lambs, goats and wildlife.

The American Veterinary Medical Association has deemed FMD the most economically devastating of all livestock disease. A recent study by Kansas State University found that an outbreak of FMD would cost the State of Kansas alone nearly \$1 billion.

"Despite the risks, the Department of Agriculture continues to consider the implementation of a regionalized beef trade plan with Argentina," noted Wooster. "FMD is an airborne disease that will not stop at an imaginary border controlled by a foreign nation. Argentina has proven time and time again that it does not have America's best interests at heart. This is a country that has attacked U.S. agriculture in the World Trade Organization (WTO) and has intentionally turned its back on, and still refuses to pay, billions in U.S. loans despite U.S. court judgments mandating it do so."

Senators Tim Johnson (D-SD) and Mike Enzi (R-WY) along with Senators Jon Tester (D-MT), John Barrasso (R-WY), Claire McCaskill (D-MO), Pete Domenici (R-NM), Byron Dorgan (D-ND), Ken Salazar (D-CO), and Wayne Allard (R-CO) are co-sponsors of the Foot and Mouth Disease Prevention Act of 2008. USCA has worked diligently to maintain import standards that will keep the U.S. cattle industry on the offensive rather than the defensive when it comes to controlling the introduction of foreign animal disease into the U.S.

"We will continue to work on moving this bill forward by adding co-sponsors and garnering support both on Capitol Hill and in the country. USCA is firmly resolved to ensuring the U.S. cattle industry is protected by the highest import standards possible, and to seeing that the 'Keep America FMD-Free' bill becomes law," said Wooster.

NATIONAL FARMERS UNION,
Washington, DC, July 10, 2008.

Hon. TIM JOHNSON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the family farmers, ranchers and rural residents of National Farmers Union (NFU), I write in strong support of your legislation to prohibit the importation of Argentine ruminants, swine, fresh and frozen meat, and products from ruminants and swine until the U.S. Department of Agriculture (USDA) Secretary certifies the country Foot and Mouth Disease (FMD) free. I applaud your leadership to ensure all measures are employed to protect the American livestock industry and consumer confidence in our meat supply.

The ban proposed in your legislation is necessary in order to prevent jeopardizing our own efforts to eradicate livestock diseases, and thereby protecting the food supply. Your legislation enhances food safety through requiring every region of Argentina to be FMD-free without vaccination before exporting ruminants, swine and meat products to the United States.

FMD is a highly infectious virus that, if introduced into the United States, could contaminate entire herds and leave producers in financial ruin, as infected herds must be culled to prevent the spread of the disease. FMD is so devastating the American Veterinary Medical Association considers it to be the most economically destructive of all livestock diseases. The United States suffered nine outbreaks of FMD in the early twentieth century, but has been FMD-free since 1929. According to USDA's Animal and Plant Health Inspection Service, the economic impacts of a re-occurrence of FMD in the United States could cost the economy billions of dollars in the first year alone.

America's family farmers and ranchers produce the safest, most abundant food supply in the world. FMD presents a very real threat to American agriculture and its introduction into the United States can and must be prevented. Requiring a country like Argentina, with such an apparent problem with this devastating disease, to prove FMD-free status is an acceptable standard to trade. Opening our borders to Argentine ruminant products is a risk that American producers simply cannot afford. Your legislation is needed to ensure harmful products are not allowed into the United States and that Argentina is not an exception to the rule.

I thank you for introducing this important legislation, and look forward to working with you to ensure its passage.

Sincerely,
TOM BUIS,
President, National Farmers Union.

R-CALF UNITED STOCKGROWERS
OF AMERICA,
Billings, MT, July 3, 2008.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON, On behalf of the thousands of cattle-producing members of R-CALF USA located throughout the United States, we greatly appreciate and strongly support your legislation to prohibit the importation of certain animals and animal products from Argentina until every region of Argentina is free of foot and mouth disease without vaccination.

Foot and mouth disease (FMD) is recognized internationally as one of the most contagious diseases of cloven-hoofed animals and it bears the potential to cause severe economic losses to U.S. cattle producers. Your legislation recognizes that the most effective prevention measure against this highly contagious disease is to ensure that it is not imported into the United States from countries where FMD is known to exist or was recently detected.

R-CALF USA stands ready to assist you in building both industry and congressional support for this important, disease-prevention measure. Thank you for initiating this needed legislation to protect the U.S. cattle industry from the unnecessary and potentially dangerous exposure to FMD from Argentinean imports.

Sincerely,

R.M. THORNSBERRY,
President, R-CALF USA Board of Directors.

SOUTH DAKOTA
CATTLEMEN'S ASSOCIATION,
Pierre, SD, July 10, 2008.

Senator TIM JOHNSON,
Hart Senate Office Building,
Washington, DC

Senator MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS JOHNSON AND ENZI: I am writing on behalf of the 1,000 beef producer members of the South Dakota Cattlemen's Association (SDCA) to express support for the Foot and Mouth Disease Prevention Act of 2008. SDCA supports free and fair trade based on OIE standards that will protect the health of our cattle herd and the economic livelihood of our cattlemen.

Our top trade priority is to regain market access for U.S. beef in order to recapture the lost value of exports that occurred after the occurrence of BSE in 2003. To that end, we've worked closely with elected and regulatory officials to ensure adequate measures are taken to protect our herd health and maintain consumer confidence in U.S. beef.

In light of numerous unanswered questions regarding the status of Foot and Mouth Disease in Argentina, we believe passage of the Foot and Mouth Disease Prevention Act is critical to ensure this devastating disease doesn't enter the U.S. cattle herd through the importation of Argentine cattle and beef products. We commend your willingness to stand up for South Dakota's beef producers and look forward to working with you on this important issue.

Regards,

JODIE HICKMAN,
Executive Director.

SOUTH DAKOTA FARMERS UNION,
Huron, South Dakota, July 9, 2008.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the family farmers and ranchers of the South Dakota Farmers Union (SDFU), I write to express support of your legislation *The Foot*

and Mouth Disease Prevention Act of 2008 to require the U.S. Department of Agriculture (USDA) to prevent the importation of livestock from Argentina until the USDA can certify that Argentina is free of Foot and Mouth Disease (FMD) without vaccination.

As you know, the possibility of the importing live animals and fresh meat with FMD would put our herds at risk and cause an economic hardship for our producers. The devastation that FMD can cause was seen first hand in England in 2001. SDFU fears that a similar situation would have severe economic consequences not only for producers in our state but nationwide. Your legislation is a proactive measure that will insure that this does not occur. As a result, until USDA certifies that Argentina is free of FMD, the importation of live stock and meat product should not be allowed. We owe it to both producers and consumers to protect their livestock herd and provide a safe food product.

SDFU fully supports your legislation to require USDA to certify Argentina free of FMD. I look forward to working with you and your colleagues for a quick passage of this important legislation to help protect American livestock producers and consumers.

Sincerely,

DOUG SOMBKE,
President.

By Mr. FEINGOLD (for himself,
Mr. DODD, and Mr. MENENDEZ):

S. 3239. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, I would like to talk about the strong concerns I am hearing back home about gas and diesel prices and about a bill I am introducing today in response to those concerns.

We all know that over the past 12 months, the price of a gallon of gas has risen over a dollar, from around \$3 last year to over \$4 today. Diesel has increased from \$2.91 a year ago to \$4.72 per gallon today.

At the listening sessions I hold in every county of my State each year, Wisconsinites are, of course, talking about how those soaring oil prices are hurting their pocketbooks. And it is not just at the pump. They are feeling the pain also at the grocery store, on the farm, and at the ticket counter. Those high fuel prices are having a rippling effect throughout our entire economy. Wisconsinites, like Americans all around the country, are feeling squeezed. With no relief in sight, the anxiety and tension keep building. Americans are emotionally, physically, and financially drained. My colleague from Minnesota, Senator KLOBUCHAR, had it right when she stated that Americans are running on empty.

Here is what I am hearing from Wisconsinites. One constituent told me:

I have done everything I can to use as little gas as possible, even before prices got so high. My two-parent family (with two children) has only one car. I ride my bicycle or walk to work and use the car as little as possible. However, the rising cost of fuel is caus-

ing higher prices for food and other necessities which are becoming more difficult for my family and others.

From another parent:

I have an adorable child I am trying to raise on a budget that no longer reaches from paycheck to paycheck. I currently work an hour away from where I live as the jobs are not available in [my] area. Between the rising price of gas, electric/heat and food, my husband and I can barely pay our mortgage.

I have heard from many others who are struggling as they care for elderly parents. One lady has a mother in a nursing home, and she used to visit her three times a week. However, with the nursing home 20 miles away and high fuel prices, now she can only afford to visit her mother once a week. That, to me, is a very poignant example—one of so many examples—of the real human impact these gas prices have.

Even those who have managed their money well and have saved are struggling. One constituent commented that he had planned to put extra money toward retirement and pay down debt. With the high fuel prices, he does not have any extra money and is worried that he will end up on government assistance at the age of 57.

There are more letters and more e-mails and more phone calls. The high cost of driving affects all kinds of people and livelihoods. It affects kids whose parents cannot drive them across town to a friend's house or to soccer practice because they have to conserve gas to get to work. It affects young students and senior citizens who are on fixed incomes. Small businesses are finding they need to increase prices to cover increased transportation costs. Farmers are, of course, feeling the pinch in one way or another, whether it be fertilizer or fuel or transportation or feed for livestock and dairy farmers.

All over the country, people have resorted to alternative forms of transportation in an effort to escape these costs. There is a range of positive proposals to improve systems in Wisconsin from the Kenosha-Racine-Milwaukee commuter rail, extending Amtrak to Madison, or just adding buses or routes. While I strongly support long-term plans to invest in mass transit, I also recognize that at least for the time being in many parts of Wisconsin and in this country, it is unrealistic for many to rely on mass transportation. Commuting to work, be it across a large city or between two towns, is a gas- and dollar-guzzling task that many people cannot avoid or, increasingly, afford.

For the large number of Americans living in predominantly rural areas, this is especially challenging due to the typically longer trips and fewer transportation options. So Wisconsinites want to know: When is the Federal Government going to provide some relief?

With my support, Congress has made some progress. Last December we enacted energy legislation, H.R. 6, that

raises corporate average fuel economy standards for vehicles while protecting American jobs. It also increases the requirement for alternative fuels from 8.5 billion gallons in 2008 to 36 billion gallons in 2022. I also recently cosponsored an amendment to make the Federal Government stop filling the Strategic Petroleum Reserve, which is 97 percent full. Fortunately, Congress passed this legislation, and the administration finally agreed to stop taking oil off the market to store it underground. The bill, H.R. 6022, was signed into law in May.

We also made some progress in preventing market manipulation. I cosponsored the Oil and Gas Traders Oversight Act, S. 577, which would help ensure that the previously unregulated trading commodities are subject to greater Federal oversight by requiring the reporting of trades, and then a similar provision was included in the final version of the farm bill which was recently enacted.

These are positive steps, but much more needs to be done. So today I am introducing legislation that seeks to answer a question more and more Americans are asking, which is: Why aren't the oil companies developing 66 million acres of land that they are already leasing from the U.S. Government? Those same companies, and some of my colleagues, say we need to open more Federal lands to drilling. Well, I guess I would like to know then why the oil companies are not producing on most of the Federal lands they already have under lease.

At a recent Senate Judiciary Committee hearing, I actually had the chance to ask the top five oil executives in the country just that question, and it was incredible. They couldn't come up with any good explanation at all. In fact, one of the executives told me they have the manpower and the infrastructure to put all of their existing leases of Federal lands into oil production.

I find this troubling. No one is talking about pulling oil out of a hat, but with 75 percent of currently leased Federal lands and waters not producing oil and gas, Congress needs to insist on some accountability on this point. This is why today I am introducing the Responsible Federal Oil and Gas Lease Act. This bill says if oil and gas companies want to lease additional lands, they must either be producing or diligently developing their existing Federal leases, or they have to give up those leases. This way, if a company makes the business decision to terminate or not pursue exploration, then the lease will be made available to other companies who might actually drill or figure out a way to get some oil out of this land. This is a responsible way to increase production and keep the private sector accountable for production.

So with over 100 billion barrels of oil under Federal lands and waters that are being leased or are available for

leasing, Congress must properly encourage their development, and oil companies should use the land they already have before coming to Congress, hat in hand, asking for more land.

This bill is similar to legislation introduced by Representative RAHALL which the House considered last month. I will work to make sure the Senate follows their lead. I am also cosponsoring a bill introduced by my colleague who is on the Senate floor, my good friend Senator DODD, that encourages oil companies to utilize the land they have been granted by making them pay fees on land under lease but not in production.

There are a number of other steps Congress should take, including addressing the role of excess speculation in the energy futures market and clamping down on OPEC's price fixing. I am a cosponsor of S. 879, which would authorize the Justice Department and the FTC to sue foreign countries under U.S. antitrust law for limiting the supply or fixing the price of oil. Also, of course, we need to aggressively pursue alternative fuels, efficiency, and renewable energy because the facts show that even if we drilled every corner of the country, and offshore too, that wouldn't solve our energy problems.

In the long term, the Government's Energy Information Administration reports that opening more Outer Continental Shelf regions to drilling "would not have a significant impact on domestic crude and natural oil gas production or prices before 2030," nor will it significantly affect prices after 2030, the agency reports, "because oil prices are determined on the international market." In short, the facts are telling us that we simply cannot just drill our way out of this, and more drilling does not necessarily mean lower prices at the pump.

Unfortunately, a minority of Senators have repeatedly blocked efforts to expand renewables and address price gouging and excess energy market speculation. I sincerely hope we can get beyond this partisan bickering. My constituents don't want finger-pointing or name calling; they want some relief, and they deserve it. They also deserve to know that we are pressing forward on plans that embrace a new energy future.

Thirty years ago, our Nation was rattled by our reliance on oil. If I am still here in 30 years, for the sake of my constituents, I hope we will have succeeded at diversifying our energy uses and oil does not still have a stranglehold over our citizens and the economy.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. CARDIN, and Mr. KERRY):

S. 3245. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, the Constitution guarantees all Americans the

right to the equal protection of the law. Nowhere is the guarantee of equal protection more important than in our criminal justice system. In a criminal justice system that imprisons a record 2.3 million, even the perception of bias on the basis of race, ethnicity, or any other protected class is unacceptable and should be guarded against at all costs.

Unfortunately, studies, reports, and case law from the last several years have documented racial disparities during many of the stages of the criminal justice system—law enforcement contact with a suspect, arrest, charging, plea bargaining, jury selection, and sentencing. Nowhere are the effects of these racial disparities more evident than in our prisons. By some estimates, nearly three-quarters of prisoners in the United States are either African-American or Hispanic. One of every three African-American men born today can expect to go to prison in his lifetime. These numbers, and studies and reports that show similar disparities during other stages of the criminal justice process, engender a crisis of public trust in the integrity of our criminal justice system and raise the possibility that we are failing to make good on the constitutional promise of equal protection.

Both the reality and the perception of inappropriate disparate treatment of minorities in the justice system erode respect for the law and undermine public safety.

Communities become increasingly reluctant to report crimes to and cooperate with police and prosecutors. They become reluctant to participate in juries and, when they do participate, to vote for conviction where the defendant is a minority. To fulfill the promise of the Constitution, and to effectively fight crime and deliver impartial justice, it is essential to identify and address unjustified disparities in the criminal justice system.

The Justice Integrity Act establishes a pilot program within the Justice Department to identify and eliminate unjustified disparities in the administration of justice. Ten U.S. Attorneys designated by the Attorney General will each appoint and chair an advisory group, composed of Federal and State prosecutors and defenders, private defense counsel, Federal and State judges, correctional officers, victims' rights representatives, Civil Rights organizations, business representatives and faith-based organizations engaged in criminal justice work.

The advisory group will systematically gather and examine data regarding the criminal process in its district and seek to determine the causes of any racial or ethnic disparity. The advisory group will produce a report on its findings and recommend a plan to reduce any unwarranted racial and ethnic disparities and thereby increase public confidence in the criminal justice system. The U.S. Attorney will consider the advisory group's recommendations and adopt a plan and

submit a report to the Attorney General. At the end of the pilot program, the Attorney General will produce a comprehensive report to Congress on the results of the pilot program in all ten districts and recommend best practices.

The Justice Integrity Act has been endorsed by the National Criminal Justice Association, The Sentencing Project, the American Bar Association, and a number of former United States Attorneys. I am proud to introduce this important bill with the support of my colleagues and friends—Senators ARLEN SPECTER, JOHN KERRY, and BEN CARDIN. We urge other members to join us.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Justice Integrity Act of 2008”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the pursuit of justice requires the fair application of the law;

(2) racial and ethnic disparities in the criminal process have contributed to a growing perception of bias in the criminal justice system;

(3) there are a variety of possible causes of disparities in criminal justice statistics among racial and ethnic groups and these causes may differ throughout the United States, including factors such as—

(A) varying levels of criminal activity among racial and ethnic groups and legitimate law enforcement response to that criminal activity; and

(B) racial discrimination, ethnic and cultural insensitivity, or unconscious bias;

(4) the Nation would benefit from an understanding of all factors causing a disparate impact on the criminal justice system; and

(5) programs that promote fairness will increase public confidence in the criminal justice system, increase public safety, and further the pursuit of justice.

SEC. 3. PILOT PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a pilot program in 10 United States districts in order to promote fairness, and the perception of fairness, in the Federal criminal justice system, and to determine whether legislation is required.

(b) PROGRAM REQUIREMENTS.—

(1) U.S. ATTORNEYS.—The Attorney General shall designate, in accordance with paragraph (3), 10 United States Attorneys who shall each implement a plan in accordance with section 4, beginning not later than 1 month after those United States Attorneys are designated by the Attorney General.

(2) PURPOSE.—The purposes of the plans required by this section are—

(A) to gather racial and ethnic data on investigations and prosecutions in the United States districts and the causes of disparities, if any;

(B) to determine the extent to which the communities' perception of bias has affected confidence in the Federal criminal justice system;

(C) to analyze whether measures may be taken to reduce unwarranted disparities, if any, and increase confidence in the criminal justice system; and

(D) to make recommendations, to the extent possible, to ensure that law enforcement priorities and initiatives, charging and plea bargaining decisions, sentencing recommendations, and other steps within the criminal process are not influenced by racial and ethnic stereotyping or bias, and do not produce unwarranted disparities from otherwise neutral laws or policies.

(3) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The 10 pilot districts referred to in subsection (a) shall include districts of varying compositions with respect to size, case load, geography, and racial and ethnic composition.

(B) METROPOLITAN AREAS.—At least 3 of the United States attorneys designated by the Attorney General shall be in Federal districts encompassing metropolitan areas.

SEC. 4. PLAN AND REPORT.

(a) IN GENERAL.—

(1) UNITED STATES ATTORNEY.—Each United States Attorney shall, in consultation with an advisory group appointed in accordance with paragraph (2), develop and implement a plan in accordance with subsections (b) and (c).

(2) ADVISORY GROUP.—

(A) APPOINTMENT.—Not later than 90 days after designation by the Attorney General, the United States Attorney in each of the 10 pilot districts selected pursuant to section 3 shall appoint an advisory group, after consultation with the chief judge of the district and criminal justice professionals within the district.

(B) MEMBERSHIP.—The advisory group of a United States Attorney shall include—

(i) 1 or more senior social scientists with expertise in research methods or statistics; and

(ii) individuals and entities who play important roles in the criminal justice process and have broad-based community representation such as—

(I) Federal and State prosecutors;

(II) Federal and State defenders, if applicable in the district, and private defense counsel;

(III) Federal and State judges;

(IV) Federal and State law enforcement officials and union representatives;

(V) parole and probation officers;

(VI) correctional officers;

(VII) victim's rights representatives;

(VIII) civil rights organizations;

(IX) business and professional representatives; and

(X) faith-based organizations who do criminal justice work.

(C) TERM LIMIT.—Subject to subparagraph (D), a member of the advisory group shall not serve longer than 5 years.

(D) PERMANENT MEMBERS.—Notwithstanding subparagraph (C), the following shall be permanent members of the advisory group for that district:

(i) The chief judge for the judicial district.

(ii) The Federal defender for the judicial district.

(iii) The United States Attorney for the judicial district.

(E) REPORTER.—The United States Attorney may designate a reporter for each advisory group, who may be compensated in accordance with guidelines established by the Executive Office of the United States Attorneys.

(F) INDEPENDENT CONTRACTORS.—The members of an advisory group of a United States Attorney and any person designated as a reporter for such group—

(i) shall be considered independent contractors of the United States Attorney's Of-

fice when in the performance of official duties of the advisory group; and

(ii) may not, solely by reason of service on or for the advisory group, be prohibited from practicing law before any court.

(b) DEVELOPMENT AND IMPLEMENTATION OF A PLAN AND REPORT.—

(1) ADVISORY GROUP REPORT.—The advisory group appointed under subsection (a)(2) shall—

(A)(i) systematically collect and analyze quantitative data on the race and ethnicity of the defendant and victim at each stage of prosecution, including case intake, bail requests, declinations, selection of charges, diversion from prosecution or incarceration, plea offers, sentencing recommendations, fast-track sentencing, and use of alternative sanctions; and

(ii) at a minimum, collect aggregate data capable of individualization and tracking through the system so that any cumulative racial or ethnic disadvantage can be analyzed;

(B) seek to determine the causes of racial and ethnic disparities in a district, and whether these disparities are substantially explained by sound law enforcement policies or if they are at least partially attributable to discrimination, insensitivity, or unconscious bias;

(C) examine the extent to which racial and ethnic disparities are attributable to—

(i) law enforcement priorities, prosecutorial priorities, the substantive provisions of legislation enacted by Congress; or

(ii) the penalty schemes enacted by Congress or implemented by the United States Sentencing Commission;

(D) examine data including—

(i) the racial and ethnic demographics of the United States Attorney's district;

(ii) defendants charged in all categories of offense by race and ethnicity, and, where applicable, the race and ethnicity of any identified victim;

(iii) substantial assistance motions, whether at sentencing or post-conviction, by race and ethnicity;

(iv) charging policies, including decisions as to who should be charged in Federal rather than State court when either forum is available, and whether these policies tend to result in racial or ethnic disparities among defendants charged in Federal court, including whether relative disparities exist between State and Federal defendants charged with similar offenses;

(v) the racial and ethnic composition of the Federal prosecutors in the district; and

(vi) the extent to which training in the exercise of discretion, including cultural competency, is provided prosecutors;

(E) consult with an educational or independent research group, if necessary, to conduct work under this subsection; and

(F) submit to the United States Attorney by the end of the second year after their initial appointment a report and proposed plan, which shall be made available to the public and which shall include—

(i) factual findings and conclusions on racial and ethnic disparities, if any, and the State of public confidence in the criminal process;

(ii) recommended measures, rules, and programs for reducing unjustified disparities, if any, and increasing public confidence; and

(iii) an explanation of the manner in which the recommended plan complies with this paragraph.

(2) ADOPTION OF PLAN.—Not later than 60 days after receiving and considering the advisory group's report and proposed plan under paragraph (1), the United States Attorney appointed under section 3 shall adopt and implement a plan.

(3) **COPY OF REPORT.**—The United States Attorney shall transmit a copy of the plan and report adopted and implemented, in accordance with this subsection, together with the report and plan recommended by the advisory group, to the Attorney General. The United States Attorney shall include with the plan an explanation of any recommendation of the advisory group that is not included in the plan.

(4) **CONGRESS.**—The Attorney General shall transmit to the United States Attorney's in every Federal district and to the Committees on the Judiciary of the Senate and the House of Representatives copies of any plan and accompanying report submitted by a pilot district.

(c) **PERIODIC UNITED STATES ATTORNEY ASSESSMENT.**—After adopting and implementing a plan under subsection (b), each United States attorney in a pilot district shall annually evaluate the efficacy of the plan. In performing such assessment, the United States attorney shall consult with the advisory group appointed in accordance with subsection (a)(2). Each assessment shall be submitted to the Executive Office for United States attorneys for review in accordance with subsection (d).

(d) **INFORMATION ON THE PILOT PROGRAM.**—

(1) **REPORT AND MODEL PLAN.**—Not later than 5 years after the date of the enactment of this Act, the Attorney General shall—

(A) prepare a comprehensive report on all plans received pursuant to this section;

(B) based on all the plans received pursuant to this section the Attorney General shall also develop one or more model plans; and

(C) transmit copies of the report and model plan or plans to the Committees on the Judiciary of the Senate and the House of Representatives.

(2) **CONTINUED OVERSIGHT.**—The Attorney General shall, on a continuing basis—

(A) study ways to reduce unwarranted racial and ethnic disparate impact in the Federal criminal system; and

(B) make recommendations to all United States attorneys on ways to improve the system.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$3,000,000 for use, at the discretion of the Attorney General, by the United States Attorneys' advisory groups in the development and implementation of plans under this Act.

By Mr. CARDIN (for himself, Ms. SNOWE, and Ms. MIKULSKI):

S. 3246. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce a bill, the Fair Deal for Volunteers Act. In today's economic climate, Americans need relief from sky-rocketing oil and gas prices. This applies to everyone, including people who engage in much-needed volunteer work. My bill will provide immediate relief for volunteers serving our elderly, poor, frail, and at-risk Americans. It gives the Internal Revenue Service authority to change the mileage rate—currently set by statute at 14 cents per mile—for calculating the deductible cost of operating a vehicle for charitable purposes. We can't let an out-of-date mileage rate exacer-

bate the pinch at the pump for volunteers who selflessly provide so many vital goods and services in every community across America. I'm pleased that the senior Senator from Maine, Senator SNOWE, and my colleague, the senior Senator from Maryland, Senator MIKULSKI, are original cosponsors of this bill and I thank them for their support.

The Internal Revenue Code does not fix a rate for individuals who are required to use their own vehicle for work, or for individuals taking a mileage deduction for moving purposes. The IRS is able to increase the deduction amount for these purposes to reflect the current economic climate and dramatically higher fuel prices. This is exactly what the IRS recently did.

As of July, the IRS modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. The revised standard mileage rate for business purposes increased from 50.5 cents per mile to 58.5 cents. For medical and moving expenses, the IRS increased the rate from 19 cents per mile to 27 cents per mile. I think the Nation's volunteers who travel on behalf of charitable organizations deserve an increase in their mileage rate, too.

My bill gives the IRS flexibility in setting the rate so that volunteers for charitable organizations could be given the same tax benefit accruing for moving, medical, and business expenses. In today's climate of increasing food and fuel prices, this bill will help relieve some of the pressure on charitable organizations and their volunteers.

Take Meals on Wheels, for example. This organization delivers nutritious meals and other nutrition services to men and women who are elderly, homebound, disabled, frail, or otherwise at-risk. The services Meals on Wheels provides significantly improve the recipients' quality of life and health, and often help to postpone institutionalization.

Over the past year, there has been nearly a 20 percent increase in fuel and food prices, coupled with reduced government funding and fewer donations across the country. Nearly 60 percent of the estimated 5,000 programs that operate under the auspices of the Meals on Wheels Association of America have lost volunteers, in large part because it is too expensive for the volunteers to drive back and forth. Nearly half the programs have eliminated routes or consolidated meal services. About 38 percent of the programs have switched to delivering frozen meals, and about 30 percent are cutting personal visits from 5 days a week to one.

In Maryland, the Central Maryland Meals on Wheels has experienced an increase of 7 percent in food costs and suppliers are charging higher delivery fees. The cost to fill up the vans with gas has increased. Fuel costs averaged \$72,538.70 in fiscal year 2007; this year, the costs have jumped to \$86,790.63.

This is an organization with volunteers serving over 3,100 elderly, disabled, frail and at-risk Marylanders. Its volunteers deserve relief from high gas prices just as much as people who use their car for work or for medical purposes or for moving.

Throughout the United States, Meals on Wheels served over 3 million people and more than 250 million meals in fiscal year 2006. This is just one of thousands of charitable organizations. We need to encourage and support the Meals on Wheels volunteers and all other volunteers who need their cars to help their neighbors and communities. The Fair Deal for Volunteers Act will do just that, and I hope my colleagues will support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Deal for Volunteers Act of 2008".

SEC. 2. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) **IN GENERAL.**—Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

"(i) **STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.**—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be the rate determined by the Secretary."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. CANTWELL):

S. 3248. A bill to amend the Commodity Exchange Act to clarify treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation, the Commodity Speculation Reform Act of 2008, with my colleague Senator COLLINS, the ranking minority member of our Homeland Security and Governmental Affairs Committee. The legislation is designed to wring out of the commodity markets the excessive speculation—and I stress the word "excessive"—that we believe has helped lead to the sudden and soaring spikes in the prices Americans pay for food and energy.

We are going to do this by returning the commodity markets to what they

were meant to be—a place where producers and consumers of specific commodities can enter into futures contracts that help hedge the risks of price fluctuations common to their industries.

These commodity market traders—farmers, airlines, refineries—actually intend to produce or take delivery of specific commodities as part of doing business.

On the other hand, financial speculators, including pension funds, university endowments, and other large institutional investors, have poured billions and billions of dollars into these markets over the past 5 years betting on rising prices—and let's make it clear, that these are bets—without ever intending to actually own a barrel of oil or a bushel of corn. They are looking for nothing more than paper profits.

In a series of hearings held by our Homeland Security and Governmental Affairs Committee, we heard testimony that this kind of excessive speculation in the commodity markets may have added as much as \$40 to \$60 to the cost of a barrel of oil.

Some say these figures are too high. But I would say that even a single dollar increase due to excessive speculation is a dollar too much because of the inflationary effect it can have not only on the U.S. economy, but around the world.

Consider this: according to the Air Transport Association, every \$1 increase in the price of a barrel of crude oil adds \$470 million a year in jet fuel costs—almost half a billion dollars—to the U.S. airline industry. These costs are passed on to consumers in the forms of higher ticket prices and other surcharges that are now keeping potential passengers on the ground and has the industry reeling.

These increases directly hit consumers in the global economy through higher gas and food prices. Moreover, the negative effects of commodity price inflation ripple through the economy as the high cost of energy and raw materials weakens our manufacturing base, and the high cost associated with transporting goods impedes international trade.

The profits made by the speculators do not produce one new barrel of oil, put one new acre of farmland into production, put one new mine into operation, or add one new gallon of refinery capacity.

If speculators really want to invest in commodities, they can buy stock in an energy company or an agricultural firm. They can purchase the royalty rights to land. Any of these options would benefit from market trends related to commodity prices and would also bring needed investment into means of production that would increase supplies and eventually contribute to lower commodity prices.

Unfortunately, the Commodity Futures Trading Commission has ignored the urgent task of providing our front line defense against rampant and

unmanaged speculation. To this day, the Commission has yet to recognize that speculation affects commodity prices.

Instead, the Commission has delegated much of its regulatory authority to the for-profit exchanges. Moreover, in contradiction with Congress's original legislative intent, the Commission views its mission as confined to a single purpose—preventing market manipulation. On the contrary, Congress fully intended the Commission to regulate market manipulation AND excessive speculation.

Our bill effectively closes the door to excessive speculation, but in a rational and reasonable way by, in effect, perfecting current law. First, it requires the CFTC to consider the overall effect of speculation when it sets the position limits that restrict the amount that any one investor can invest in a commodity. This is a critical and necessary change—if the Commission does not acknowledge and embrace its obligation to prevent excessive speculation, all of our efforts will be in vain.

Second, it extends the existing rules that apply to the regulated exchanges to currently unregulated over-the-counter and foreign markets. Over the last 10 years, over-the-counter trading in commodities has exploded. The over-the-counter investment vehicles are simply economic substitutes for futures contracts. There is no rational reason that they should not be subject to the same laws and regulations that apply to futures contracts.

This change also eliminates the “swaps loophole” that allows pension funds and other large investors to invest in index funds that circumvent the position limits. From 2003 to 2008, investment in commodity index funds has swelled from \$13 billion to \$260 billion and has, in effect, chased up prices and taken control of the commodity markets away from the industries and producers that must use them as a means of doing business.

Other important provisions would direct that the speculative position limits must be set by the CFTC, not the futures exchanges, and repeal the CFTC's authority to substitute meaningless reporting requirements for actual speculative position limits.

In the course of our Committee hearings and in later deliberations we looked at a number of legislative options, including banning certain large investors, such as pension funds, from the commodity markets altogether.

But we feel the approach we've come up with in this bill is a reasonable, commonsense approach that will help bring order back to the commodity markets while preserving the liquidity it needs to function properly.

Some have suggested that Congressional action will simply push investors to foreign markets. Our bill actually discourages flight from the major exchanges because it puts all trading platforms under the same regulatory umbrella. Speculators are subject to

the same position limits regardless of whether they invest in New York, London, Dubai, or over-the-counter.

Is excessive speculation the sole cause of rising prices? Of course not. Global economic growth, particularly in emerging nations like China and India, has put tremendous upward pressure on the prices of energy, food and raw materials.

But there is little doubt—even among most skeptics of our legislation—that excessive speculation has had an effect on rising prices. Our bill will end that and help create a more orderly market for the industries and producers who must deal in commodities as a matter of business.

The father of modern capitalism, Adam Smith, overall wanted to limit the role of government in free markets. In fact, in “The Wealth of Nations” Smith said speculators served many useful functions in a free market and many of his observations are still true today.

But Smith knew there had to be limits, writing: “those exertions of the natural liberty of a few individuals, which may endanger the security of the whole society, are, and ought to be, restrained by the laws of all governments.”

With this bill we seek that kind of restraint so that the few don't gain exorbitant profits at the expense of the average American reeling under spiraling prices for food and fuel.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commodity Speculation Reform Act of 2008”.

SEC. 2. AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION TO ISSUE NO ACTION LETTERS.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

“(G) AUTHORITY TO ISSUE NO ACTION LETTERS TO FOREIGN BOARDS OF TRADE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Commission may not issue a no action letter to any foreign board of trade that lists a contract the price of which settles on the price of a contract traded on an exchange regulated by the Commission.

“(ii) EXCEPTION.—The Commission may issue a no action letter to a foreign board of trade described in clause (i) if the foreign board of trade provides to the Commission information and data accessibility the scope of which is comparable to the information and data accessibility provided to the Commission by entities under the jurisdiction of the Commission.”.

SEC. 3. ADDITIONAL EMPLOYEES.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

“(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this subparagraph, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the

Commission as of the date of enactment of this subparagraph) to assist in carrying out section 4a(a)(2).”.

SEC. 4. TREATMENT OF PURCHASES OF CERTAIN COMMODITY FUTURES CONTRACTS AND FINANCIAL INSTRUMENTS.

(a) IN GENERAL.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) by striking “SEC. 4a. (a) Excessive speculation” and inserting the following:

“SEC. 4a. EXCESSIVE SPECULATION.

“(a) BURDEN ON INTERSTATE COMMERCE; TRADING OR POSITION LIMITS.—

“(1) IN GENERAL.—Excessive speculation and”; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

“(2) TREATMENT OF PURCHASES OF CERTAIN COMMODITY FUTURES CONTRACTS AND FINANCIAL INSTRUMENTS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) BONA FIDE HEDGING TRANSACTION.—

“(I) IN GENERAL.—The term ‘bona fide hedging transaction’ means a transaction that—

“(aa) represents a substitute for a transaction to be made or a position to be taken at a later time in a physical marketing channel;

“(bb) is economically appropriate for the reduction of risks in the conduct and management of a commercial enterprise; and

“(cc) arises from the potential change in the value of—

“(AA) assets that a person owns, produces, manufactures, possesses, or merchandises (or anticipates owning, producing, manufacturing, possessing, or merchandising);

“(BB) liabilities that a person incurs or anticipates incurring; or

“(CC) services that a person provides or purchases (or anticipates providing or purchasing).

“(II) EXCLUSION.—The term ‘bona fide hedging transaction’ does not include a transaction entered into on a designated contract market for the purpose of offsetting a financial risk arising from an over-the-counter commodity derivative.

“(ii) OVER-THE-COUNTER COMMODITY DERIVATIVE.—The term ‘over-the-counter commodity derivative’ means any agreement, contract, or transaction that—

“(I)(aa) is traded or executed in the United States; or

“(bb) is held by a person located in the United States;

“(II) is not traded on a designated contract market or derivatives transaction execution facility; and

“(III)(aa) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or substantially based on the value of, 1 or more qualifying commodities or an economic or financial index or measure of economic or financial risk primarily associated with 1 or more qualifying commodities; and that transfers between the parties to the transaction, in whole or in part, the economic or financial risk associated with a future change in any such value without also conveying a current or future direct or indirect ownership interest in an asset or liability that incorporates the financial risk that is transferred; or

“(cc) is any combination or permutation of, or option on, any agreement, contract, or transaction described in item (aa) or (bb).

“(iii) OVER-THE-COUNTER COMMODITY DERIVATIVE DEALER.—The term ‘over-the-counter commodity derivative dealer’ means a person that regularly offers to enter into, assume, offset, assign, or otherwise terminate positions in over-the-counter commodity derivatives with customers in the ordinary course of a trade or business of the person.

“(iv) QUALIFYING COMMODITY.—The term ‘qualifying commodity’ means—

“(I) an agricultural commodity; and

“(II) an energy commodity.

“(B) REGULATIONS.—

“(i) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, in accordance with clauses (ii) and (iii), the Commission shall promulgate regulations to establish and enforce—

“(I) speculative position limits for qualifying commodities;

“(II) a methodology—

“(aa) to enable persons to aggregate the positions held or controlled by the persons on designated contract markets, on derivatives transaction execution facilities, and in over-the-counter commodity derivatives; and

“(bb) to ensure, to the maximum extent practicable, that the determinations made by the Commission with respect to each person examined under subparagraph (C) accurately reflect the net long and net short positions held or controlled by the person in the underlying qualifying commodity; and

“(III) information reporting rules to facilitate the monitoring and enforcement by the Commission of the speculative position limits established under subclause (I), including the monitoring of positions held in over-the-counter commodity derivatives.

“(ii) APPLICABILITY.—

“(I) POSITION LIMITS.—The speculative position limits established under clause (i)(I) shall apply to position limits that, with respect to each applicable position limit, expire during—

“(aa) the spot month;

“(bb) each separate futures trading month (other than the spot month); or

“(cc) the sum of each trading month (including the spot month).

“(II) SUM OF POSITIONS.—The speculative position limits established under clause (i)(I) shall apply to the sum of the positions held by a person—

“(aa) on designated contract markets;

“(bb) on derivatives transaction execution facilities; and

“(cc) in over-the-counter commodity derivatives.

“(iii) MAXIMUM LEVEL OF POSITION LIMITS.—In establishing the speculative position limits under clause (i)(I), the Commission shall set the speculative position limits at the minimum level practicable to ensure sufficient market liquidity for the conduct of bona fide hedging activities.

“(C) PROHIBITION RELATING TO CERTAIN POSITIONS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this Act, no person may hold or control a position, separately or in combination, net long or net short, for the purchase or sale of a commodity for future delivery or, on a futures-equivalent basis, any option, or an over-the-counter commodity derivative that exceeds a speculative position limit established by the Commission under subparagraph (B)(i)(I).

“(ii) BONA FIDE HEDGING TRANSACTIONS.—In determining whether the sum of a position held or controlled by a person has exceeded the applicable speculative position limit established by the Commission under subparagraph (B)(i)(I), the Commission shall not

consider positions attributable to a bona fide hedging transaction.

“(iii) DETERMINATION OF POSITION LIMITS FOR OVER-THE-COUNTER COMMODITY DERIVATIVE DEALERS.—To determine the position of an over-the-counter commodity derivative dealer, the sum of the positions held or controlled by the over-the-counter commodity derivative dealer shall be—

“(I) calculated on the last day of each month; and

“(II) considered, for the monthly period covered by the determination, to be the average daily net position held or controlled by the over-the-counter commodity derivative dealer for the period beginning on the first day of the month and ending on the last day of the month.”.

(b) REPORTS.—

(1) NECESSARY ADDITIONAL FUNDING.—Not later than 45 days after the date of enactment of this Act, the Commodity Futures Trading Commission (referred to in this subsection as the “Commission”) shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report providing the recommendations of the Commission for any additional funding that the Commission considers to be necessary to carry out the amendments made by subsection (a), including funding for additional staffing and technological needs.

(2) SPECULATIVE ACTIVITY TRENDS.—

(A) STUDY.—The Commission shall conduct a study—

(i) to identify trends in speculative activity relating to metals; and

(ii) to determine whether the authority of the Commission under section 4a(a)(2) of the Commodity Exchange Act (7 U.S.C. 6a(a)(2)) (as added by subsection (a)(2)) should be extended to cover the trading of metals.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit a report containing the results of the study conducted under subparagraph (A) to—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(iii) the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

COMMODITY SPECULATION REFORM ACT OF 2008
(Senators Joseph Lieberman and Susan Collins, Summary of Provisions, July 10, 2008)

The legislation closes the “Swaps Loop-hole” and creates a seamless system of speculative position limits that applies to all food and energy-related contracts held by financial speculators, including over-the-counter holdings and futures positions on foreign exchanges.

In theory, position limits should curb excessive speculation in food and energy markets by imposing caps on the amount of futures contracts that may be held by any one investor. However, the position limits no longer serve their original purpose. Large institutional investors, such as pension funds, can circumvent the position limits by investing in over-the-counter markets. Through a regulatory “swaps” loophole, financial institutions that serve the over-the-counter markets also circumvent the position limits.

The bill will reduce excessive speculation by closing the swaps loophole and eliminating the exemptions that apply to investors that are not taking physical delivery of food and energy commodities. The bill applies the position limits if the position is not

related to a bona fide hedging activity. The bill incorporates the CFTC's definition of bona fide hedging, but clarifies that it does not include hedging financial risks associated with over-the-counter derivatives, such as swaps and structured notes.

In the evolving commodity marketplace, trading is increasingly occurring in unregulated over-the-counter markets or overseas. By extending the position limits to holdings regardless of where they are held, the position limits will no longer create an incentive to trade off-exchange or overseas. The bill would require the CFTC to develop a methodology that allows investors to aggregate their positions on the exchanges and in over-the-counter markets for purposes of regulatory enforcement of the position limits.

The legislation requires the CFTC to set the individual position limits at amounts necessary to prevent excessive speculation while still ensuring sufficient market liquidity.

The CFTC currently sets the speculative position limits at amounts the Commission believes are necessary to prevent market manipulation by individual market participants. In contradiction with the original intent of the Congress, the CFTC does not set the position limits at amounts necessary to control the harmful inflationary effects of excessive speculation. The bill clarifies that the position limits should be set at amounts no greater than necessary to ensure sufficient market liquidity for the conduct of bona fide hedging activities.

The legislation directs that the speculative position limits must be set by the CFTC, not the futures exchanges.

The bill would repeal the CFTC's authority to delegate the responsibility for setting the position limits to the exchanges. The major exchanges are no longer nonprofit entities, but rather for-profit businesses. The position limits should be set by a regulatory entity that has a single mission—serving the public interest.

The legislation repeals the authority that permits the CFTC to substitute reporting requirements for actual speculative position limits.

Currently, position limits apply to an investor's holdings in the spot month, any single month, and all months combined. With respect to energy futures contracts, the position limits are replaced with a simple reporting requirement, or "position accountability level", in the all-months time period. The bill would extend actual speculative position limits to the all-months time period.

The legislation requires foreign futures exchanges to provide the CFTC with daily trading information comparable to the information provided by domestic exchanges.

Increasingly, foreign futures exchanges are offering cash-settled futures contracts that are based on commodity prices set by contracts traded on U.S. exchanges. These "look-alike" contracts arguably offer investors a competitive alternative to contracts that are traded and physically settled through U.S. exchanges. The CFTC recently indicated it will require foreign exchanges offering look-alike contracts to provide trading information comparable to the information provided by domestic exchanges. This provision codifies the new CFTC policy. The provision lays the statutory framework necessary for a seamless system of information reporting and improved transparency that will ensure the CFTC has the ability to monitor and enforce the new speculative position limits.

The legislation increases the resources available to the CFTC to carry out its expanded responsibilities under the Act, including additional funds for staffing and technology.

The legislation constitutes a historic expansion of the CFTC's mission. Significant new resources will be needed to carry out these directives. As soon as practicable after the date of enactment, the legislation requires the CFTC to hire 100 additional full-time employees and authorizes such sums as are necessary to implement its new responsibilities. No later than 45 days after enactment, the CFTC must report to the Congressional appropriations committees with an estimate of the additional funding necessary to fully administer the Act.

The legislation directs the CFTC to review trends in speculative activity related to metals, and report to Congress on whether the Commission's new authority should extend to trading in metals.

Ms. COLLINS. Mr. President, high energy prices are having a devastating impact on our economy and our people—especially in large, rural States like Maine. Truckdrivers, loggers, fishermen, farmers, and countless others are struggling with the high cost of oil and gasoline. In Maine, where 80 percent of homes are heated with oil, many families do not know how they can afford to stay warm next winter.

The high cost of energy is also taking a toll on businesses, both large and small. Katahdin Paper recently announced plans to shut down its plant in Millinocket due to the cost of oil. If this occurs—and everyone is working to prevent it—the community would be devastated by the loss of more than 200 good jobs.

Many factors affect energy prices, including the value of the dollar, global tensions, and demand in other countries, such as China and India. But Senator LIEBERMAN and I have heard persuasive and troubling evidence in hearings of our Committee on Homeland Security and Governmental Affairs that another factor is also at work—excessive speculation in futures markets for energy commodities.

At issue is the activity of non-commercial traders who do not produce or take delivery of oil or agricultural products, unlike commercial traders such as oil producers and heating oil dealers, farmers and cereal companies. Instead, these noncommercial investors use futures contracts and related transactions solely for financial gain.

Speculation in commodity markets by noncommercial investors has grown enormously. In just the last 5 years, the total value of their futures-contract and commodity index-fund investments has soared from \$13 billion to \$260 billion.

These massive new holdings of oil-futures contracts by pension funds, university endowments, and other institutional investors appear to be driving up prices beyond what they would otherwise be. These investors' intentions may be simply to provide good returns, a hedge against inflation, and diversification, but many experts believe their activities are distorting commodity markets.

I have worked with Senator LIEBERMAN to produce a comprehensive and bipartisan bill, the Commodity Speculation Reform Act of 2008, which we are introducing today.

Our bill takes some very strong steps toward countering excessive speculation.

First, it would remedy staffing shortfalls at the Commodity Futures Trading Commission by adding 100 staff to improve its market oversight and enforcement capabilities. This is a vital step. The CFTC tells us that more than 3 billion futures and options contracts were traded last year, up from 37 million in 1976. Yet the Commission is operating with fewer employees than it had 30 years ago.

Second, our bill closes the so-called "swaps loophole," which currently allows financial institutions to evade position limits on commodity contracts that regulators use to prevent unwarranted price swings or attempts at manipulation.

Third, our bill directs the CFTC to establish position limits that will apply to an investor's total interest in a commodity, regardless of whether they originate on a regulated exchange, the over-the-counter market, or on foreign boards of trade that deal in U.S. commodities.

Fourth, our bill instructs the CFTC to permit no foreign boards of trade to deal in U.S.-linked commodity contracts unless they agree to reporting and data-accessibility standards at least equivalent to that required of U.S.-regulated exchanges. This is not a matter of telling other countries what to do: foreign boards of trade request "no-action" letters from the CFTC so they can maintain trading terminals here while remaining regulated by their own authorities. The CFTC has recently taken positive steps to require comparable reporting, and our bill codifies those improvements.

These are powerful measures, but they are also prudently designed. We recognize that producers, handlers, and purchasers of commodities who use those markets to lock in prices, hedge risks, and see clues for price trends require some level of participation by non-commercial, financial investors.

Our bill does not prevent financial investors from participating in commodity markets. It simply places some limits on their presence by directing the CFTC to set position limits across trading venues at a level no higher than that needed to ensure that commercial participants can always find counterparties for their contract needs.

These and other provisions of our bill—which applies to agricultural as well as energy commodities—will provide a stronger regulator, improved flows of information, new and more consistent protections against excessive speculation, and assurance to both businesses and consumers that our markets in basic commodities are transparent, competitive, and effectively policed.

The Commodity Speculation Reform Act of 2008 represents a balanced and bipartisan approach. I urge my colleagues to join Senator LIEBERMAN and me in supporting it.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3249. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property; to the Committee on Finance.

Mr. WYDEN. Mr. President, 100 years ago the automobile revolutionized the way Americans lived and did business. Government responded by making a massive investment in infrastructure to support this new technology. That investment gave our industries a real competitive advantage in the world marketplace for much of the 20th century by making it cheaper and easier to move goods around the country.

Today, information technology has brought an equal, if not greater, revolution to American business. But this time, rather than investing in infrastructure and fostering growth, we have allowed the country's IT infrastructure to be taxed at dangerous and unhealthy levels that put American business at a competitive disadvantage.

The information revolution has changed the way we learn, the way we work, the way we hold elections, and the way we communicate as a society, among other things that keep our country working. It has made vast educational, health care and entrepreneurial opportunities accessible to our most remote communities. But telecommunications taxes in the U.S. have been levied at a rate much higher than other types of sales and business taxes.

Rather than investing in IT infrastructure, we have left it to the private sector to build and maintain our telecommunications networks. And while this practice has sometimes served Americans well, we are falling behind some major international competitors in far too many areas.

I am not today calling for anything as far-reaching as Federal investment in IT infrastructure—today I am simply asking that we stop yoking our most innovative IT networks with increased taxes.

Wireless broadband holds the promise of connecting even our most distant communities to the rest of the world. In time, these connections will bring health care, educational, communications and commercial services to Americans who have been left out for far too long. This growth will not happen if we keep burdening this important technology with what amounts to discriminatory taxation.

I have fought for many years to expand the development of the Internet and our telecommunications infrastructure. Along with colleagues on both sides of the aisle, I worked to successfully protect our network providers from content-related litigation. Four times now, I have fought to protect the Internet from being hit with multiple discriminatory taxes from thousands of State and local tax authorities—and have worked to extend that protection indefinitely.

Today I am proposing something far more modest—if just as necessary—that we put a moratorium on new or increased taxes on our wireless telecommunications infrastructure and services for the next 5 years.

Along with my colleague Senator SNOWE, I am introducing the Mobile Wireless Tax Fairness Act to keep mobile wireless services and facilities free from new discriminatory taxes.

This bill would not impact a single current tax that has been levied by a State or locality. It will not remove a single dollar from their communal coffers. What it will do is guarantee our wireless network providers protection from even greater taxation at a time when we are asking them to implement the largest technology upgrade in history—an upgrade that will bring economically important, true broadband speeds to wireless customers for the first time.

I will admit that there are lots of problems with the way Federal, State and local taxes are levied on telecommunications services. This legislation addresses only one of those problems, but it is a big one.

Taxes on wireless services are some of the most regressive taxes in the Nation. Cell phones and other wireless devices have become essential to many working Americans, for their jobs, for their safety and for maintaining the communications they need to stay in touch with families when both parents work and raise children. Piling increased taxes on these families at a time when budgets are being stretched by skyrocketing gas and food prices is not only unreasonable, it is downright wrong.

I am proud that my colleague Senator SNOWE joins me in introducing this important legislation. Senator SNOWE has long been an advocate for the improvement and expansion of our IT infrastructure and today we have taken another important step that will help strengthen our country and our economy today and in the future. This proposal joins H.R. 5793 by Congresswoman LOFGREN and Congressman CANNON in the House and I look forward to working with them to see this important legislation passed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mobile Wireless Tax Fairness Act of 2008”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is appropriate to exercise congressional enforcement authority under section 5 of the 14th amendment to the Constitution of the United States and Congress' plenary power under article I, section 8, clause 3 of the Constitution of the United States (com-

monly known as the “commerce clause”) in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

(2) In light of the history and pattern of discriminatory taxation faced by providers and consumers of mobile services, the prohibitions against and remedies to correct discriminatory State and local taxation in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) provide an appropriate analogy for congressional action, and similar Federal legislative measures are warranted that will prohibit imposing new discriminatory taxes on providers and consumers of mobile services and that will assure an effective, uniform remedy.

SEC. 3. MORATORIUM.

(a) IN GENERAL.—No State or local jurisdiction shall impose a new discriminatory tax on or with respect to mobile services, mobile service providers, or mobile service property, during the 5-year period beginning on the date of the enactment of this Act.

(b) DEFINITIONS.—In this Act:

(1) MOBILE SERVICE.—The term “mobile service” means commercial mobile radio service, as such term is defined in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act, or any other service that is primarily intended for receipt on, transmission from, or use with a mobile telecommunications device, including the receipt of a digital good.

(2) MOBILE SERVICE PROPERTY.—The term “mobile service property” means all property used by a mobile service provider in connection with its business of providing mobile services, whether real, personal, tangible, or intangible and includes goodwill, licenses, customer lists, and other similar intangible property associated with such business.

(3) MOBILE SERVICE PROVIDER.—The term “mobile service provider” means any entity that sells or provides mobile services, but only with respect to the portion of such entity's trade or business that sells or provides such services.

(4) NEW DISCRIMINATORY TAX.—The term “new discriminatory tax” means any tax imposed by a State or local jurisdiction that—

(A) is imposed on or with respect to, or is measured by the charges, receipts, or revenues from or value of—

(i) any mobile service and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the charges, receipts, or revenues from, other services or transactions involving tangible personal property;

(ii) any mobile service provider and is not generally imposed, or is generally imposed at a lower rate, on other persons that are engaged in businesses other than the provision of mobile services; or

(iii) any mobile service property and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the value of, other property that is devoted to a commercial or industrial use and subject to a property tax levy, except public utility property owned by a public utility subject to rate of return regulation by a State or Federal regulatory authority; and

(B) was not generally imposed and actually enforced on mobile services, mobile service providers, or mobile service property prior to the date of the enactment of this Act.

(5) STATE OR LOCAL JURISDICTION.—The term “State or local jurisdiction” means any

of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision and with the authority to assess, impose, levy, or collect taxes or fees.

(6) TAX.—

(A) **IN GENERAL.**—The term “tax” means any charge imposed by any governmental entity for the purpose of generating revenues for governmental purposes, and is not a fee imposed on an individual entity or class of entities for a specific privilege, service, or benefit conferred exclusively on such entity or class of entities.

(B) **EXCLUSION.**—The term “tax” does not include any fee or charge—

(i) used to preserve and advance Federal universal service or similar State programs authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

(ii) specifically dedicated by a State or local jurisdiction for the support of E-911 communications systems.

(C) RULES OF CONSTRUCTION.—

(1) **DETERMINATION.**—For purposes of subsection (b)(4), all taxes, tax rates, exemptions, deductions, credits, incentives, exclusions, and other similar factors shall be taken into account in determining whether a tax is a new discriminatory tax.

(2) **APPLICATION OF PRINCIPLES.**—Except as otherwise provided in this Act, in determining whether a tax on mobile service property is a new discriminatory tax for purposes of subsection (b)(4)(A)(iii), principles similar to those set forth in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) shall apply.

(3) **EXCLUSIONS.**—Notwithstanding any other provision of this Act—

(A) the term “generally imposed” as used in subsection (b)(4) shall not apply to any tax imposed only on—

(i) specific services;

(ii) specific industries or business segments; or

(iii) specific types of property; and

(B) the term “new discriminatory tax” shall not include a new tax or the modification of an existing tax that—

(i) replaces one or more taxes that had been imposed on mobile services, mobile service providers, or mobile service property; and

(ii) is designed so that, based on information available at the time of the enactment of such new tax or such modification, the amount of tax revenues generated thereby with respect to such mobile services, mobile service providers, or mobile service property is reasonably expected not to exceed the amount of tax revenues that would have been generated by the respective replaced tax or taxes with respect to such mobile services, mobile service providers, or mobile service property.

SEC. 4. ENFORCEMENT.

(a) **IN GENERAL.**—Notwithstanding any provision of section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of this Act, provided that:

(1) **JURISDICTION.**—Such jurisdiction shall not be exclusive of the jurisdiction which any Federal or State court may have in the absence of this section.

(2) **BURDEN OF PROOF.**—The burden of proof in any proceeding brought under this Act

shall be upon the party seeking relief and shall be by a preponderance of the evidence on all issues of fact.

(3) **RELIEF.**—In granting relief against a tax which is discriminatory or excessive under this Act with respect to tax rate or amount only, the court shall prevent, restrain, or terminate the imposition, levy, or collection of not more than the discriminatory or excessive portion of the tax as determined by the court.

Ms. SNOWE. Mr. President, I rise today to join my colleague, Senator WYDEN, in introducing legislation that will stop the increasing financial burden being placed on wireless consumers by discriminatory taxes. On average, the typical consumer pays 15.2 percent of his/her total wireless bill in Federal, State, and local taxes, fees and surcharges—this is compared to the 7.07 percent average tax rate for other goods and services.

The Mobile Wireless Tax Fairness Act of 2008 would ensure that these tax rates don't increase further by prohibiting States and local governments from imposing any new discriminatory tax on mobile services, mobile service providers, or mobile service property for a period of 5 years. The bill defines “new discriminatory tax” as a tax imposed on mobile services, providers, or property that is not generally imposed on other types of services or property, or that is generally imposed at a lower rate.

The wireless era has changed the way the world communicates. More and more people are using the cell phone as their primary communication device as well as for data and Internet services. The increased mobility and access wireless communications provide have improved our lives, our safety, and the productivity of our work and businesses. To date, there are more than 260 million wireless subscribers in the U.S., and total usage exceeded 1 trillion minutes in June 2007 alone.

However, as more consumers embrace wireless technologies and applications, more States and local governments are embracing it as a revenue source and applying these excessive and discriminatory taxes, which show up on consumers' bills each month. In fact, the effective rate of taxation on wireless services has increased four times faster than the rate on other taxable goods and services between January 2003 and January 2007.

These excessive and discriminatory taxes discourage wireless' adoption and use, primarily with low-income individuals and families that still view a cellular phone as a luxury when many Americans consider it a necessity. By banning these taxes, we can equalize the taxation of the wireless industry with that of other goods and services and protect the wireless consumer from the weight of fees, surcharges, and general business taxes. We cannot allow this essential and innovative industry as well as the consumers who benefit from its amazing services and applications to suffer excessive tax rates.

Placing a moratorium on new discriminatory wireless taxes will make

certain consumers continue to reap the benefits of wireless services. Congress took similar action with the Internet—passing the Internet Tax Freedom Act Amendments Act of 2007 this past fall—because of the incredible impact the Internet will continue to have on consumers and businesses alike. The future of wireless is just as bright and that is why we must ensure its continued growth. That is why I sincerely hope that my colleagues join Senator WYDEN and me in supporting this critical legislation.

By Mr. DODD (for himself, Mr. LEVIN, Mr. MENENDEZ, Mr. REED, Mr. TESTER, Mrs. MCCASKILL, Mr. AKAKA, Mr. CASEY, Mr. OBAMA, Mr. KERRY, Mrs. CLINTON, Mr. SANDERS, and Mr. WHITEHOUSE):

S. 3252. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, my friend and colleague from Michigan is here, as well, who has been deeply involved in the issue of credit cards and the problems that are occurring.

I rise with my colleague Senator LEVIN to introduce legislation that would reform and prohibit credit card practices that harm rather than help American consumers and their families. The legislation is called the Credit Card Accountability, Responsibility and Disclosure Act, or the Credit CARD Act. It will, in my view, help bring an end to industry practices that candidly cost American families billions of dollars each and every year.

I cannot think of a better time to introduce this much needed legislation. This Chamber will, in very short order this evening, or as late as tomorrow, pass legislation to address the most important issue confronting our Nation's economy and the financial stability of our citizens—the collapse of the subprime housing market and the credit crisis it has brought about.

Unfortunately, far too many American families who are already being squeezed by the rising cost of food, oil, and gas, now find themselves forced to rely on short-term, high-interest credit card debt to finance life's daily necessities—including their mortgage payments—because of the ongoing credit crisis and a weak economy.

That growing reliance was highlighted in a report released last week by the Federal Reserve. The Fed's study reported that in May, revolving consumer debt, which is primarily credit card debt, reached an all-time record high of slightly over \$961 billion. That is a 7-percent increase in the last month alone, which is on top of a 7-percent increase last year, and a 6-percent increase in 2006. At this rate, revolving consumer debt in our country, which is again primarily credit card debt, will

reach \$1 trillion by the Christmas season of this year.

When I assumed the gavel of the Senate Banking Committee last January, one of the very first hearings I held was on the issue of credit card practices. At that hearing, I challenged card issuers, banks, and associations to stop engaging in practices that they were not prepared to defend before the committee.

It was my hope that the hearing and that warning would encourage the credit card industry to go through a period of intense self-examination. I had hoped the industry would scrutinize its practices and policies to ensure that credit was extended in the fairest and most transparent of terms to credit card customers. To be fair, some in the industry heeded that call. I applaud them and thank them for their efforts. Over the past year, a few credit card companies have voluntarily made changes to the way they do business, and many Americans have benefitted from those improvements.

Regrettably, however, far too few embraced this call. Even more regrettably, some that have made voluntary changes are reconsidering those steps in the face of mounting pressure to find new streams of revenue and capital, and to compete in a market where other industry participants are not engaging in these reforms, as their subprime mortgage market-related losses continue to rise. The temptation to go back to older practices to increase revenue streams is there. Unfortunately, the use of confusing, misleading, and very predatory practices, in some cases, appears likely to remain the standard operating procedure for many in the credit card industry for the foreseeable future if we fail to act. The list of these troubling practices is lengthy: Charging predatory rates and fees; engaging in deceptive marketing to young people; practices such as universal default; double-cycle billing; retroactive interest rate increases; “any time, any reason” repricing; and billings shenanigans—like shortening the period consumers have to pay their bills, or charging fees for payment by telephone—are just a few of the practices that could merit induction into a fairly crowded industry “hall of shame.”

Even the financial regulators, whom I have been openly critical of for lack of appropriate oversight and response throughout the subprime mortgage market crisis, have recognized the harm these sinister practices pose not only to credit card customers but to our economy as well. In May of this year, the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administration proposed rules aimed at curbing some of the very practices I have identified. In my view, this joint rulemaking is an important step in providing needed consumer protections in some areas, including a ban on retroactive interest rates and rules on payment allocation.

But the proposed rules fall far short in other important areas—failing to address issues including universal default, “any time, any reason” repricing, multiple over-limit fees, and youth marketing.

These shortcomings underscore the need for the legislation Senator LEVIN and I will be talking about this evening.

I want to make it very clear—and I know my colleague feels the same way—that we are not opposed to credit cards. They are very valuable, very useful tools for consumers. So this bill is not designed in any way to deprive consumers of the use of credit cards. That is not the issue. When provided on fair terms, and used wisely and responsibly, credit cards are a valuable financial tool for millions of our fellow citizens. They can help an individual to build his or her credit history and to better pursue his or her financial goal.

But like many credit products, credit cards pose the potential to harm consumers as well as help consumers. Card companies have been far too apt to exploit the needs of consumers who are increasingly becoming “hooked on plastic.” That potential to harm consumers has grown in recent years as credit card usage has risen. Let me share some numbers with you to give you some idea of what has happened in this explosion of credit card usage by Americans.

Today, nearly 75 percent of American households have a credit card or a debit card, and 700 million credit cards are used to purchase in excess of \$2.4 trillion in goods and services from over 7 million locations in the United States annually. In 1970, only about 16 percent of U.S. households used credit cards, and fewer than a million businesses accepted them.

As Americans have become increasingly reliant on credit cards, credit card companies have become more and more innovative in finding ways to access their customers. Over \$17 billion in credit card penalty fees have been charged to the American people—new fees—in the last 2 years, since 2006. That is a tenfold increase from what was charged 10 years ago. That is \$17 billion in new penalties and fees since 2006. Credit card companies are turning to innovative ways to profit—including at the gasoline pump. They are laying on fees to gas station owners for each credit card transaction made at the pump. At the very time they are watching the price of gasoline skyrocket, the credit card companies are gouging the people struggling to meet those fees. Again, card companies are laying on fees to gas station owners for each credit card transaction made at the pump—a charge that those owners immediately pass on to customers, increasing the cost of gas for drivers. In some places, these fees can add an average of 3 percent for each gasoline transaction.

The combination of the growing needs for revolving debt and hidden

fees charged by card companies is contributing to the avalanche of debt under which American consumers increasingly find themselves buried. Listen to this number, because this is the one that is stunning. To give you an idea of what has happened to the average family in this country with credit card balances, today the average household that carries a credit card balance owes close to \$10,000 in revolving debt on their credit cards. The average family has a balance of \$10,000 in revolving debt on their credit cards.

That is a millstone around the neck of the average American and their families—families that are already struggling to make ends meet and are under pressure from rising gas prices, food prices, skyrocketing health care costs, and a mortgage crisis that has robbed many families of their home equity or, worse yet, their homes.

That is why we are introducing the Credit CARD Act. This bill will help reform credit card practices that drag so many American families further and further into debt. It strengthens regulation and oversight of the credit card industry and prohibits the unfair and deceptive practices that in far too many instances work to harm, not help, a consumer's efforts to move up the economic ladder.

Specifically, the CARD Act would prohibit the worst of the industry's practices, including imposition of excessive fees; retroactive rate increases; universal default; “any time, any reason” changes to credit card agreements; and unfair payment allocation.

The bill also, importantly, contains a number of provisions aimed at protecting young consumers.

This legislation builds on legislation I have introduced in previous Congresses. It also incorporates several key concepts included in the legislative proposals put forth by some of my colleagues, notably my colleague from Michigan, Senator LEVIN, and Senators MENENDEZ, MCCASKILL, and OBAMA. Each is an important cosponsor of this legislation, as are Senators REED of Rhode Island, AKAKA, TESTER, CLINTON, KERRY, SANDERS, WHITEHOUSE, and CASEY.

This bill also has the support of a wide array of consumer advocates and labor organizations, including the Consumer Federation of America, Consumers Union, National Consumer Law Center, the National Council of La Raza, Service Employees International Union, the Center for Responsible Lending, U.S. PRIG, Consumer Action, Demos, Connecticut PRIG, and the National Association of Consumer Advocates.

As policymakers, we should expect consumers will act responsibly when it comes to using credit cards, and that should be an important point to make. But we also expect no less when it comes to companies that issue these cards. They need to act responsibly, and they are not, in my view. The Credit CARD Act will help strike the

correct balance of responsibility between credit card users and the card issuers. And by striking that balance, it will help provide American consumers with a fair chance to secure economic security for them and their families.

I thank Senator LEVIN and others—especially Senator LEVIN who already held hearings on this issue. We have talked about this at length over the years. We tried in other Congresses with very modest proposals to deal with some of these problems. We have always lost those battles. But I think the American consumers, regardless of their income, regardless of their social or economic status, feel very angry about what is happening to them. As a result, I think there is a growing opportunity for us to get something done on this issue.

So while our focus today has been on foreclosure issues, the credit card problem in this country that so many Americans are facing is one that I think is ripe for congressional action. Our hope and intention is to bring a bill to the floor of this Chamber before we adjourn for the year to give our colleagues a chance to express themselves on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2008” or the “Credit CARD Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Regulatory authority.

TITLE I—CONSUMER PROTECTION

- Sec. 101. Prior notice of rate increases required.
- Sec. 102. Freeze on interest rate terms and fees on canceled cards.
- Sec. 103. Limits on fees and interest charges.
- Sec. 104. Consumer right to reject card before notice is provided of open account.
- Sec. 105. Use of terms clarified.
- Sec. 106. Application of card payments.
- Sec. 107. Length of billing period.
- Sec. 108. Prohibition on universal default and unilateral changes to cardholder agreements.
- Sec. 109. Enhanced penalties.
- Sec. 110. Enhanced oversight.
- Sec. 111. Clerical amendments.

TITLE II—ENHANCED CONSUMER DISCLOSURES

- Sec. 201. Payoff timing disclosures.
- Sec. 202. Requirements relating to late payment deadlines and penalties.
- Sec. 203. Renewal disclosures.

TITLE III—PROTECTION OF YOUNG CONSUMERS

- Sec. 301. Extensions of credit to underage consumers.
- Sec. 302. Restrictions on certain affinity cards.

Sec. 303. Protection of young consumers from prescreened credit offers.

TITLE IV—FEDERAL AGENCY COORDINATION

Sec. 401. Inclusion of all Federal banking agencies.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Study and report.
- Sec. 502. Credit Card Safety Rating System Commission.

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”) may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PRIOR NOTICE OF RATE INCREASES REQUIRED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(1) **ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.**—

“(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan, no increase in any annual percentage rate (other than an increase due to the expiration of any introductory percentage rate, or due solely to a change in another rate of interest to which such rate is indexed)—

“(A) may take effect before the beginning of the billing cycle which begins not earlier than 45 days after the date on which the obligor receives notice of such increase; or

“(B) may apply to any outstanding balance of credit under such plan, as of the effective date of the increase required under subparagraph (A).

“(2) **NOTICE OF RIGHT TO CANCEL.**—The notice referred to in paragraph (1) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account before the effective date of the increase.”.

SEC. 102. FREEZE ON INTEREST RATE TERMS AND FEES ON CANCELED CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(j) **FREEZE ON INTEREST RATE TERMS AND FEES ON CANCELED CARDS.**—

“(1) **IN GENERAL.**—If an obligor under an open end consumer credit plan closes or cancels a credit card account, the repayment of the outstanding balance after the cancellation shall be subject to all terms and conditions in effect for the obligor immediately before the card was closed or cancelled, including the annual percentage rate and the minimum payment terms in effect immediately prior to such closure or cancellation.

“(2) **RULE OF CONSTRUCTION.**—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full.”.

SEC. 103. LIMITS ON FEES AND INTEREST CHARGES.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(k) **PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.**—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an interest charge, and the obligor repays all or a portion of such credit within the specified time period, the creditor may not impose or collect an interest charge on the portion of the credit that was repaid within the specified time period.

“(1) **OPT-OUT OF CREDITOR AUTHORIZATION OF OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.**—

“(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, the consumer may elect to prohibit the creditor from completing any over-the-limit transaction that will result in a fee or constitute a default under the credit agreement, by notifying the creditor of such election in accordance with paragraph (2).

“(2) **NOTIFICATION BY CONSUMER.**—A consumer shall notify a creditor under paragraph (1)—

“(A) through the notification system maintained by the creditor under paragraph (4); or

“(B) by submitting to the creditor a signed notice of election, by mail or electronic communication, on a form issued by the creditor for purposes of this subparagraph.

“(3) **EFFECTIVENESS OF ELECTION.**—An election by a consumer under paragraph (1) shall be effective beginning 3 business days after the date on which the consumer notifies the creditor in accordance with paragraph (2), and shall remain effective until the consumer revokes the election.

“(4) **NOTIFICATION SYSTEM.**—Each creditor that maintains credit card accounts under an open end consumer credit plan shall establish and maintain a notification system, including a toll-free telephone number, Internet address, and Worldwide Web site, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection, in accordance with paragraph (2).

“(5) **ANNUAL NOTICE TO CONSUMERS OF AVAILABILITY OF ELECTION.**—In the case of any credit card account under an open end consumer credit plan, the creditor shall include a notice, in clear and conspicuous language, of the availability of an election by the consumer under this paragraph as a means of avoiding over-the-limit fees and a higher amount of indebtedness, and the method for providing such election—

“(A) in the periodic statement required under subsection (b) with respect to such account at least once each calendar year; and

“(B) in any such periodic statement which includes a notice of the imposition of an over-the-limit fee during the period covered by the statement.

“(6) **NO FEES IF CONSUMER HAS MADE AN ELECTION.**—If a consumer has made an election under paragraph (1), no over-the-limit fee may be imposed on the account for any reason that has caused the outstanding balance in the account to exceed the credit limit.

“(m) **OVER-THE-LIMIT FEE RESTRICTIONS.**—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee, as described in subsection (c)(1)(B)(iii)—

“(1) may be imposed on the account only when an extension of credit obtained by the obligor causes the credit limit on such account to be exceeded, and may not be imposed when such credit limit is exceeded due to a fee or interest charge; and

“(2) may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and may not be imposed in a subsequent billing cycle with respect to such excess credit, unless the obligor has obtained an additional extension of credit in excess of such credit limit during such subsequent cycle.

“(n) NO INTEREST CHARGES ON FEES.—With respect to a credit card account under an open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount.

“(o) LIMITS ON CERTAIN FEES.—

“(1) NO FEE TO PAY A BILLING STATEMENT.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means.

“(2) REASONABLE FEES FOR VIOLATIONS.—The amount of any fee or charge that a card issuer may impose in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over the limit fee, increase in the applicable annual percentage rate, or any similar fee or charge, shall be reasonably related to the cost to the card issuer of such omission or violation.

“(3) REASONABLE CURRENCY EXCHANGE FEE.—With respect to a credit card account under an open end consumer credit plan, the creditor may impose a fee for exchanging United States currency with foreign currency in an account transaction, only if—

“(A) such fee reasonably reflects the costs incurred by the creditor to perform such currency exchange;

“(B) the creditor discloses publicly its method for calculating such fee; and

“(C) the primary Federal regulator of such creditor determines that the method for calculating such fee complies with this paragraph.”.

SEC. 104. CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE IS PROVIDED OF OPEN ACCOUNT.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(p) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE OF NEW ACCOUNT IS PROVIDED TO CONSUMER REPORTING AGENCY.—A creditor may not furnish any information to a consumer reporting agency (as defined in section 603) concerning a newly opened credit card account under an open end consumer credit plan until the credit card has been used or activated by the consumer.”.

SEC. 105. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(q) USE OF TERMS.—The following requirements shall apply with respect to the terms of any credit card account under any open end consumer credit plan:

“(1) FIXED RATE.—The term ‘fixed’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.

“(2) PRIME RATE.—The term ‘prime rate’, when appearing in any agreement or contract for any such account, may only be used to refer to the bank prime rate published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the ‘H.15 release’ (or any successor publication).”.

SEC. 106. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through “Payments” and inserting the following:

“§ 164. Prompt and fair crediting of payments

“(a) IN GENERAL.—Payments”;

(2) by inserting “, by 5:00 p.m. on the date on which such payment is due,” after “in readily identifiable form”;

(3) by striking “manner, location, and time” and inserting “manner, and location”; and

(4) by adding at the end the following:

“(b) APPLICATION OF PAYMENTS.—Upon receipt of a payment from a cardholder, the card issuer shall—

“(1) apply the payment first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted; and

“(2) after complying with paragraph (1), apply the payment in a way that minimizes the amount of any finance charge to the account.

“(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.

“(d) PRESUMPTION OF TIMELY PAYMENT.—Any evidence provided by a consumer in the form of a receipt from the United States Postal Service or other common carrier indicating that a payment on a credit card account was sent to the card issuer not less than 7 days before the due date contained in the periodic statement for such payment shall create a presumption that such payment was made by the due date, which may be rebutted by the creditor for fraud or dishonesty on the part of the consumer with respect to the mailing date.”.

SEC. 107. LENGTH OF BILLING PERIOD.

Section 163(a) of the Truth in Lending Act (15 U.S.C. 1668(a)) is amended by striking “mailed at least fourteen days prior” and inserting “mailed at least 21 days prior”.

SEC. 108. PROHIBITION ON UNIVERSAL DEFAULT AND UNILATERAL CHANGES TO CARDHOLDER AGREEMENTS.

(a) IN GENERAL.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

“SEC. 171. LIMITS ON INTEREST RATE INCREASES.

“(a) IN GENERAL.—No card issuer may increase any annual percentage rate, fee, or finance charge applicable to a credit card account under an open end consumer credit plan, or terminate early a lower introductory rate, fee, or charge, except as permitted under this section.

“(b) EXCEPTIONS.—The limitation under subsection (a) shall not apply to—

“(1) an increase due to the scheduled expiration of an introductory term;

“(2) an increase in a variable annual percentage rate, fee, or finance charge in accordance with a credit card agreement that provides for changes according to an index or formula;

“(3) an increase due to a specific, material action or omission of a consumer in violation of an agreement that is directly related to such account and that is specified in the contract or agreement as grounds for an increase, except that—

“(A) the creditor may not take into account information not directly related to the account, including adverse information con-

cerning the consumer, information in any consumer report, or changes in the credit score of the consumer; and

“(B) an increase described in this paragraph shall terminate not later than 6 months after the date on which it is imposed, if the consumer commits no further violations; or

“(4) a change that takes effect upon renewal of the card in accordance with section 172.

“(c) MAP TO LOWER RATE.—

“(1) IN GENERAL.—A card issuer that increases an annual percentage rate, fee, or finance charge pursuant to subsection (b)(3) shall include, together with the notice of such increase under section 127(i), a statement, provided in a clear and conspicuous manner—

“(A) of the discrete, specific action or omission of the consumer on which the increase was based; and

“(B) that the increase will terminate in 6 months if the consumer does not commit further violations.

“(2) BOARD AUTHORITY.—The Board may, by rule, provide for exceptions to the requirements of subsection (b)(3)(B), if the Board determines that there are other appropriate factors that creditors may consider in determining the appropriate annual percentage rate for particular consumers.

“SEC. 172. UNILATERAL CHANGES IN CREDIT CARD AGREEMENT PROHIBITED.

“A card issuer may not amend or change the terms of a credit card contract or agreement under an open end consumer credit plan, until after the date on which the credit card will expire if not renewed.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

“171. Universal defaults prohibited.

“172. Unilateral changes in credit card agreement prohibited.

“173. Applicability of State laws.”.

SEC. 109. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking “or (iii) in the” and inserting the following: “(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of \$500 and a maximum of \$5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the”.

SEC. 110. ENHANCED OVERSIGHT.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(s) EVALUATION OF CREDIT CARD POLICIES AND PROCEDURES.—

“(1) IN GENERAL.—In connection with its examination of a credit card issuer under its supervision, each agency referred to in paragraphs (1), (2), and (3) of section 108(a) shall conduct, as appropriate, an evaluation of the credit card policies and procedures used by such card issuer to ensure compliance with this section and sections 163, 164, 171, and 172. Such agency shall promptly require the card issuer to take any corrective action needed to address any violations of any such section.

“(2) ANNUAL REPORTS TO CONGRESS.—Each year, each agency referred to in subsections (a) and (c) of section 108 shall submit a report to Congress concerning the administration of its functions under this section, including such recommendations as the agency deems necessary or appropriate. Each such

report shall include an assessment of the extent to which compliance with the requirements of this section is being achieved and a summary of the enforcement actions taken by the agency assigned administrative enforcement responsibilities under subsections (a) and (c) of section 108.”.

(b) **STRENGTHENED CREDIT CARD INFORMATION COLLECTION.**—Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking “The Board shall” and inserting the following:

“(A) **IN GENERAL.**—The Board shall”; and

(B) by adding at the end the following:

“(B) **INFORMATION TO BE INCLUDED.**—The information under subparagraph (A) shall include, as of a date designated by the Board—

“(i) a list of each type of transaction or event for which one or more of the card issuers has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

“(ii) for each type of transaction or event identified under clause (i)—

“(I) each distinct interest rate charged by the card issuer to a cardholder, as of the designated date;

“(II) the number of cardholders to whom each such interest rate was applied during the calendar month immediately preceding the designated date, and the total amount of interest charged to such cardholders at each such rate during such month;

“(III) the number of cardholders who are paying the stated default annual percentage rate applicable in cases in which the account is past due or the account holder is otherwise in violation of the terms of the account agreement; and

“(IV) the number of cardholders who are paying above such stated default annual percentage rate;

“(iii) a list of each type of fee that one or more of the card issuers has imposed upon a cardholder as of the designated date, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

“(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during the calendar month immediately preceding the designated date, and the total amount of fees imposed upon cardholders during such month;

“(v) the total number of cardholders that incurred any interest charge or any fee during the calendar month immediately preceding the designated date; and

“(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest.”; and

(2) by adding at the end the following:

“(5) **REPORT TO CONGRESS.**—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

“(A) the imposition of interest rates on cardholders, including separate estimates for—

“(i) interest with an annual percentage rate of less than 25 percent; and

“(ii) interest with an annual percentage rate equal to or greater than 25 percent;

“(B) the imposition of fees on cardholders;

“(C) the imposition of fees on merchants; and

“(D) any other material source of income, while specifying the nature of that income.”.

SEC. 111. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking “term” and all that follows through “means” and inserting the following: “terms ‘open end credit plan’ and ‘open end consumer credit plan’ mean”; and

(2) in the second sentence, by inserting “or open end consumer credit plan” after “credit plan” each place that term appears.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) **IN GENERAL.**—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

“(11)(A) A written statement in the following form: ‘Minimum Payment Warning: Making only the minimum payment will increase the interest rate you pay and the time it takes to repay your balance.’.

“(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

“(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

“(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

“(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months.

“(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

“(D) All of the information described in subparagraph (B) shall—

“(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

“(ii) be placed in a conspicuous and prominent location on the billing statement, in typeface that is at least as large as the largest type on the statement.

“(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

“(i) contains clear and concise headings for each item of such information; and

“(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

“(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

“(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

“(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

“(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.”.

(b) **CIVIL LIABILITY.**—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).”.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

“(12) **REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.**—

“(A) **LATE PAYMENT DEADLINE AND POSTMARK DATE REQUIRED TO BE DISCLOSED.**—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement—

“(i) the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date; and

“(ii) the date by which the payment must be postmarked, if paid by mail, in order to avoid the imposition of a late payment fee with respect to the payment, and a statement to that effect.

“(B) **DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.**—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

“(C) **REQUIREMENTS RELATING TO POSTMARK DATE.**—

“(i) **IN GENERAL.**—The date included in a periodic statement pursuant to subparagraph (A)(ii) with regard to the postmark on a payment shall allow, in accordance with regulations prescribed by the Board under clause (ii), a reasonable time for the consumer to make the payment and a reasonable time for the delivery of the payment by the due date.

“(ii) **BOARD REGULATIONS.**—The Board shall prescribe guidelines for determining a reasonable period of time for making a payment and delivery of a payment for purposes of

clause (i), after consultation with the Postmaster General of the United States and representatives of consumer and trade organizations.

“(D) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.”.

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

- (1) by striking paragraph (2);
- (2) by redesignating paragraph (3) as paragraph (2); and
- (3) in paragraph (1), by striking “Except as provided in paragraph (2), a card issuer” and inserting the following: “A card issuer that has changed or amended any term of the account since the last renewal or”.

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

“(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

“(i) the signature of the parent, legal guardian, or any other individual over the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21;

“(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account; or

“(iii) completion of a certified financial literacy or financial education course designed for young consumers.

“(C) CERTIFIED FINANCIAL LITERACY OR EDUCATION COURSES FOR YOUNG CONSUMERS.—

“(i) IN GENERAL.—The Secretary of the Treasury, acting through the Office of Financial Literacy and Education (in this subparagraph referred to as ‘OFE’), shall make and publish a list of all courses and programs that have been certified for financial literacy or financial education purposes appropriate for young consumers. When developing the certification criteria the OFE shall take into account the course or program’s—

“(I) proven track record in producing changed consumer behavior; and

“(II) use of practices or curricula that have been shown to change consumer behavior.

“(ii) EXPLICIT ELIGIBILITY.—Courses taken that are offered or required by colleges, universities, and high schools may be certified by the OFE for purposes of this subparagraph, as well as other programs and

courses. The OFE shall make an effort to provide certification to all types of programs and courses, including those that are conducted by nonprofit, faith-based, or for-profit institutions and State and local governments.

“(iii) SELECT PROGRAMS.—From among those courses or programs that are certified by the OFE under this subparagraph, the OFE may designate a select number of programs or courses that produce results that are far better than those produced by other certified programs as ‘highly certified’.”.

SEC. 302. RESTRICTIONS ON CERTAIN AFFINITY CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following:

“(t) RESTRICTIONS ON ISSUANCE OF AFFINITY CARDS TO STUDENTS.—No credit card account under an open end consumer credit plan may be established by an individual who has not attained the age of 21 as of the date of submission of the application pursuant to any direct or indirect agreement relating to affinity cards, as defined by the Board, between the creditor and an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), unless the requirements of subsection (c)(8) are met with respect to the obligor.”.

SEC. 303. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

(a) IN GENERAL.—Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: “; and

“(iv) the consumer report indicates that the consumer is age 21 or older, except that a consumer who is at least 18 years of age may elect, in accordance with subsection (e)(7), to authorize the consumer reporting agency to include the name and address of the consumer in any list of names provided by the agency pursuant to this paragraph.”.

(b) OPT-IN FOR YOUNG CONSUMERS.—Section 604(e) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)) is amended—

(1) by striking the subsection heading and inserting the following:

“(e) ELECTION OF CONSUMERS REGARDING LISTS.—”; and

(2) by adding at the end the following:

“(7) OPT-IN FOR UNDERAGE CONSUMERS.—

“(A) IN GENERAL.—A consumer who is at least 18 years of age, but has not attained his or her 21st birthday, may elect to have the name and address of the consumer included in any list provided by a consumer reporting agency under subsection (c)(1)(B) in connection with a credit or insurance transaction that is not initiated by the consumer by notifying the agency in accordance with subparagraph (B) that the consumer consents to the use of a consumer report relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer.

“(B) MANNER OF NOTIFICATION.—An election by a consumer described in subparagraph (A) shall be in writing, using a signed notice of election form issued or made available electronically by the consumer reporting agency at the request of the consumer for purposes of this paragraph.

“(C) EFFECTIVENESS OF ELECTION.—An election by a consumer under subparagraph (A) to be included in a list provided by a consumer reporting agency—

“(i) shall be effective until the earlier of—

“(I) the 21st birthday of the consumer; or

“(II) the date on which the consumer noti-

tem established by the agency under paragraph (5), that the election is no longer effective; and

“(ii) shall be effective with respect to each affiliate of the agency.

“(D) RULE OF CONSTRUCTION.—An election by a consumer under subparagraph (A) to be included in a list provided by a consumer reporting agency may not be construed to limit the applicability of this subsection to any person age 21 or older, and the consumer may elect to be excluded from any such list after the attainment of his or her 21st birthday in the manner otherwise provided under this subsection.”.

TITLE IV—FEDERAL AGENCY COORDINATION

SEC. 401. INCLUSION OF ALL FEDERAL BANKING AGENCIES.

(a) IN GENERAL.—Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended in the second sentence—

(1) by striking “The Board of Governors of the Federal Reserve System (with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3)) and the National Credit Union Administration Board (with respect to Federal credit unions described in paragraph (4))” and inserting “Each appropriate Federal banking agency”; and

(2) by inserting “in consultation with the Commission” after “shall prescribe regulations”.

(b) FTC CONCURRENT RULEMAKING.—Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended by inserting after the second sentence the following:

“Notwithstanding any other provision of this section, whenever such agencies commence such a rulemaking proceeding, the Commission, with respect to the entities within its jurisdiction under this Act, may commence a rulemaking proceeding and prescribe regulations in accordance with section 553 of title 5, United States Code. The Commission, the Federal banking agencies, and the National Credit Union Administration Board shall consult and coordinate with each other so that the regulations prescribed by each such agency are consistent with and comparable to the regulations prescribed by each other such agency, to the extent practicable.”.

(c) PRESERVATION OF STATE LAW.—Section 18(f)(6) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(6)) is amended to read as follows:

“(6) Notwithstanding any other provision of this subsection or any other provision of law, regulations promulgated under this subsection shall be considered supplemental to State laws governing unfair and deceptive acts and practices, and may not be construed to preempt any provision of State law that provides equal or greater protections.”.

(d) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the status of regulations of the Federal banking agencies and the National Credit Union Administration regarding unfair and deceptive acts or practices by depository institutions and Federal credit unions.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(1) in the subsection heading, by striking “BOARD” and all that follows through “ADMINISTRATION” and inserting “APPROPRIATE FEDERAL BANKING AGENCIES”

(2) in paragraph (1), in the first sentence—

(A) by striking “banks or savings and loan institutions described in paragraph (3), each

agency specified in paragraph (2) or (3) of this subsection shall establish" and inserting "depository institutions or Federal credit unions, each appropriate Federal banking agency shall establish"; and

(B) by striking "banks or savings and loan institutions described in paragraph (3), subject to its jurisdiction" and inserting "the depository institutions or Federal credit unions subject to the jurisdiction of such appropriate Federal banking agency";

(3) in paragraph (1), in the final sentence—

(A) by striking "each such Board" and inserting "each such appropriate Federal banking agency";

(B) by striking "banks or savings and loan institutions described in paragraph (3), or Federal credit unions described in paragraph (4), as the case may be," each place that term appears and inserting "depository institutions or Federal credit unions subject to the jurisdiction of such appropriate Federal banking agency";

(C) by striking "(A) any such Board" and inserting "(A) any such appropriate Federal banking agency"; and

(D) by striking "with respect to banks, savings and loan institutions" and inserting "with respect to depository institutions";

(4) in paragraph (2)(C), by inserting "than" after "(other)";

(5) in paragraph (3), by inserting "by the Director of the Office of Thrift Supervision" before the period at the end;

(6) in paragraph (4), by inserting "by the National Credit Union Administration" before the period at the end;

(7) in paragraph (6), by striking "the Board of Governors of the Federal Reserve System" and inserting "any Federal banking agency or the National Credit Union Administration Board"; and

(8) by adding at the end the following new paragraph:

"(8) For purposes of this subsection—
 "(A) the term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes the National Credit Union Administration Board with respect to Federal credit unions;
 "(B) the terms 'depository institution' and 'Federal banking agency' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and
 "(C) the term 'Federal credit union' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)."

"(B) the terms 'depository institution' and 'Federal banking agency' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

"(C) the term 'Federal credit union' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)."

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General (in this section referred to as the "Comptroller") shall conduct a study on interchange fees and their effects on consumers and merchants. The Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards; and

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services.

(b) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban

Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. CREDIT CARD SAFETY RATING SYSTEM COMMISSION STUDY.

(a) DEFINITION.—In this section, the term "safety" refers to the amount of risk to cardholders that results from credit card practices and terms in credit card agreements that are either not well understood by consumers, or are not easily understood, or could have an adverse financial effect on consumers, other than interest rates, periodic fees, or rewards.

(b) ESTABLISHMENT OF SAFETY RATING SYSTEM.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall establish an entity to be known as the "Credit Card Safety Rating System Commission" (in this section referred to as the "Commission").

(c) DUTIES.—The duties of the Commission shall be—

(1) to determine if a rating system to allow cardholders to quickly assess the level of safety of credit card agreements would be beneficial to consumers;

(2) to assess the impact on credit card transparency and consumer safety of various rating system policy options, including—

(A) the use of a 5-star rating system to reflect the relative safety of card terms, marketing and customer service practices, and product features;

(B) making the use of the system mandatory for all cards;

(C) requiring a graphic display of rating on all marketing material, applications, billing statements, and agreements associated with that credit card, as well as on the back of each such credit card;

(D) requiring an annual review of the safety rating system, to determine whether the point system is effectively aiding consumers and encouraging transparent competition and fairness to consumers; and

(E) requiring consumer access to ratings through public website and other outreach programs

(3) if it is deemed beneficial, to make recommendations to Congress concerning how such a system should be devised;

(4) to study the effects of such system on the availability and affordability of credit and the implications of changes in credit availability and affordability in the United States and in the general market for credit services due to the rating system; and

(5) by not later than March 1 of the second year after the date of enactment of this Act, to submit a report to Congress containing detailed results and recommendations, including how to create such system, if creating such system is recommended.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Comptroller, in accordance with this section.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The membership of the Commission, subject to subparagraph (B), shall include individuals—

(i) who have achieved national recognition for their expertise in credit cards, debt management, economics, credit availability, consumer protection, and other credit card related issues and fields; and

(ii) who provide a mix of different professions, a broad geographic representation, and a balance between urban and rural representatives.

(B) MAKEUP OF COMMISSION.—The Commission shall be comprised of—

(i) 4 representatives from consumer groups;
 (ii) 4 representatives from credit card issuers or banks;

(iii) 7 representatives from nonprofit research entities or nonpartisan experts in banking and credit cards; and

(iv) not fewer than 1 of the members described in clauses (i) through (iii) who represents each of—

(I) the elderly;

(II) economically disadvantaged consumers;

(III) racial or ethnic minorities; and

(IV) students and minors.

(C) ETHICS DISCLOSURES.—The Comptroller shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members. Members of the Commission shall be treated in the same manner as employees of Congress whose pay is disbursed by the Secretary of the Senate for purposes of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

(3) CHAIRPERSON; VICE CHAIRPERSON.—The Comptroller shall designate a member of the Commission, at the time of appointment of the member as Chairperson and a member as Vice Chairperson for that term of appointment, except that in the case of vacancy in the position of Chairperson or Vice Chairperson of the Commission, the Comptroller may designate another member for the remainder of the term of that member.

(4) TERMS.—Members of the Commission shall be appointed for the life of the Commission. Any vacancies shall not affect the power and duties of the Commission but shall be filled in the same manner as the original appointment.

(5) COMPENSATION.—

(A) MEMBERS.—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the regular place of business of the member, the member may be allowed travel expenses, as authorized by the Chairperson.

(B) OTHER EMPLOYEES.—For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all employees of the Commission shall be treated as if they were employees of the United States Senate.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(e) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller determines necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it determines necessary with respect to the internal organization and operation of the Commission.

(f) **POWERS.**—

(1) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(2) **DATA COLLECTION.**—In order to carry out its functions, the Commission shall—

(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(C) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(3) **ACCESS OF GAO INFORMATION.**—The Comptroller shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(4) **PERIODIC AUDIT.**—The Commission shall be subject to periodic audit by the Comptroller.

(g) **ADMINISTRATIVE AND SUPPORT SERVICES.**—The Comptroller shall provide such administrative and support services to the Commission as may be necessary to carry out this section.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

Mr. LEVIN. Mr. President, I know the Senator from Connecticut has to leave, but before he does leave the floor, I congratulate and commend him on this bill. He has put a huge amount of effort into this issue over the years. This bill reflects that effort. His leadership in this matter will make a huge difference in getting this bill enacted. I thank him for that leadership and thank him for this bill.

Mr. DODD. I thank my colleague.

Mr. LEVIN. Mr. President, the legislation we are introducing today is going to combat credit card abuses that have been hurting American consumers for far too long. With all the economic hardship facing Americans today, from falling home prices to rising gasoline and food costs, it is more important than ever for Congress to act now to stop credit card abuses and protect American families from unfair credit card practices.

Credit card companies regularly use a host of unfair practices. They hike the interest rates of cardholders who pay on time and comply with their credit card agreements. They impose interest rates as high as 32 percent. They charge interest for debt that was paid on time. They apply higher interest rates retroactively to existing credit card debt. They pile on excessive fees and then have the gall to charge interest on those fees. They apply consumer payments first to the debt with the least expensive interest rate, saving

the higher interest rate debt to be paid off last. And they engage in a number of other unfair practices that are burying American consumers in a mountain of debt. It is long past time to enact legislation to protect American consumers.

The bill we are introducing today will not only help protect consumers, but it will also help ensure that credit card companies willing to do the right thing are not put at a competitive disadvantage by companies continuing unfair practices.

Some argue that Congress does not need to ban unfair credit card practices. They contend that improved disclosure alone will empower consumers to seek out better deals. Sunlight can be a powerful disinfectant, but credit cards have become such complex financial products that even improved disclosure will not be enough to curb the abuses. Some practices are so confusing that consumers cannot easily understand them. Additionally, better disclosure does not always lead to greater market competition, especially when essentially an entire industry is using and benefiting from practices that unfairly hurt consumers.

Credit card issuers like to say they are engaged in a risky business, lending unsecured debt to millions of consumers. But it is clear they have learned to price credit card products in ways that produce enormous profit. For the last decade, credit card issuers have maintained their position as the most profitable sector in the consumer lending field and reported consistently higher rates of return than commercial banks.

In 2006, Americans used 700 million credit cards to buy about \$2 trillion in goods and services. The average American family now has five credit cards. Credit cards are being used to pay for groceries, mortgage payments, and even taxes, and they are saddling U.S. consumers, from college students to seniors, with a mountain of debt. The latest figures show that U.S. credit card debt is now approaching \$1 trillion. These consumers are routinely being subjected to unfair practices that squeeze them for ever more money, sinking them further into debt.

While the remaining legislative days in this Congress are dwindling, there is still time to enact strong credit card reform legislation. Too many American families are being hurt by too many unfair credit card practices to delay action any longer.

I commend Senator DODD for tackling credit card reform. I look forward to Congress taking the steps needed this session to ban unfair practices that are causing so much pain and financial damage to American families today.

Credit card abuse is a topic, as Senator DODD mentioned, with which I have been deeply involved over the past several years through a number of investigations in the Permanent Subcommittee on Investigations. We held

two subcommittee hearings in 2007, and based on our investigative hearings, I introduced legislation called the Stop Unfair Practices in Credit Cards Act, S. 1395, to ban the outrageous credit card abuses that were documented in the hearings. I was pleased that Senators MCCASKILL, LEAHY, DURBIN, BINGAMAN, CANTWELL, WHITEHOUSE, KOHL, BROWN, STEVENS, and SANDERS, our Presiding Officer, joined as cosponsors.

This new bill, the Dodd-Levin bill introduced today, as Senator DODD mentioned, incorporates almost all the provisions of S. 1395, and it adds other important protections as well. It is the strongest credit card bill yet in Congress.

I would like to add to the record more detailing of the provisions of this bill, along with an overview of some of the most prevalent abuses that we uncovered and some of the stories that American consumers shared with us during the course of the inquiries carried out by my Permanent Subcommittee on Investigations.

With regard to excessive fees, the first case history we examined illustrates the fact that major credit card issuers today impose a host of fees on their cardholders, including late fees and over-the-limit fees that are not only substantial in themselves but can contribute to years of debt for families unable to immediately pay them.

Wesley Wannemacher of Lima, OH, testified at our March 2007 hearing. In 2001 and 2002, Mr. Wannemacher used a new credit card to pay for expenses mostly related to his wedding. He charged a total of about \$3,200, which exceeded the card's credit limit by \$200. He spent the next 6 years trying to pay off the debt, averaging payments of about \$1,000 per year. As of February 2007, he had paid about \$6,300 on his \$3,200 debt, but his billing statement showed he still owed \$4,400.

How is it possible that a man pays \$6,300 on a \$3,200 credit card debt, but still owes \$4,400? Here is how. On top of the \$3,200 debt, Mr. Wannemacher was charged by the credit card issuer about \$4,900 in interest, \$1,100 in late fees, and \$1,500 in over-the-limit fees. He was hit 47 times with over-limit fees, even though he went over the limit only three times and exceeded the limit by only \$200. Altogether, these fees and the interest charges added up to \$7,500, which, on top of the original \$3,200 credit card debt, produced total charges to him of \$10,700.

In other words, the interest charges and fees more than tripled the original \$3,200 credit card debt, despite payments by the cardholder averaging \$1,000 per year. Unfair? Clearly, I think, but our investigation has shown that sky-high interest charges and fees are not uncommon in the credit card industry. While the Wannemacher account happened to be at Chase, penalty interest rates and fees are also employed by other major credit card issuers.

The week before the March hearing, Chase decided to forgive the remaining

debt on the Wannemacher account, and while that was great news for the Wannemacher family, that decision doesn't begin to resolve the problem of excessive credit card fees and sky-high interest rates that trap too many hard-working families in a downward spiral of debt.

These high fees are made worse by the industry-wide practice of including all fees in a consumer's outstanding balance so that they incur interest charges. It is one thing for a bank to charge interest on funds lent to a consumer; charging interest on penalty fees goes too far.

Another galling practice featured in our March hearing involves the fact that credit card debt that is paid on time routinely accrues interest charges, and credit card bills that are paid on time and in full are routinely inflated with what I call "trailing interest." Every single credit card issuer contacted by the Subcommittee engaged in both of these unfair practices which squeeze additional interest charges from responsible cardholders.

Here is how it works. Suppose a consumer who usually pays his account in full, and owes no money on December 1, makes a lot of purchases in December, and gets a January 1 credit card bill for \$5,020. That bill is due January 15. Suppose the consumer pays that bill on time, but pays \$5,000 instead of the full amount owed. What do you think the consumer owes on the next bill?

If you thought the bill would be the \$20 past due plus interest on the \$20, you would be wrong. In fact, under industry practice today, the bill would likely be twice as much. That is because the consumer would have to pay interest, not just on the \$20 that wasn't paid on time, but also on the \$5,000 that was paid on time. In other words, the consumer would have to pay interest on the entire \$5,020 from the first day of the new billing month, January 1, until the day the bill was paid on January 15, compounded daily. So much for a grace period. In addition, the consumer would have to pay the \$20 past due, plus interest on the \$20 from January 15 to January 31, again compounded daily. In this example, using an interest rate of 17.99 percent, which is the interest rate charged to Mr. Wannemacher, the \$20 debt would, in one month, rack up \$35 in interest charges and balloon into a debt of \$55.21.

You might ask—hold on—why does the consumer have to pay any interest at all on the \$5,000 that was paid on time? Why does anyone have to pay interest on the portion of a debt that was paid by the date specified in the bill—in other words, on time? The answer is, because that is how the credit card industry has operated for years, and they have gotten away with it.

There is more. One might think that once the consumer gets gouged in February, paying \$55.21 on a \$20 debt, and pays that bill on time and in full, without making any new purchases, that

would be the end of it. But you would be wrong again. It's not over.

Even though, on February 15, the consumer paid the February bill in full and on time—all \$55.21—the next bill has an additional interest charge on it, for what we call "trailing interest." In this case, the trailing interest is the interest that accumulated on the \$55.21 from February 1 to 15, which is time period from the day when the bill was sent to the day when it was paid. The total is 38 cents. While some issuers will waive trailing interest if the next month's bill is less than \$1, if a consumer makes a new purchase, a common industry practice is to fold the 38 cents into the end-of-month bill reflecting the new purchase.

Now 38 cents isn't much in the big scheme of things. That may be why many consumers don't notice these types of extra interest charges or try to fight them. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was incorrect. But by nickel and diming tens of millions of consumer accounts, credit card issuers reap large profits.

I think it is indefensible to make consumers pay interest on debt which they pay on time. It is also just plain wrong to charge trailing interest when a bill is paid on time and in full.

My subcommittee's second hearing focused on another set of unfair credit card practices involving unfair interest rate increases. Cardholders who had years-long records of paying their credit card bills on time, staying below their credit limits, and paying at least the minimum amount due, were nevertheless socked with substantial interest rate increases. Some saw their credit card interest rates double or even triple. At the hearing, three consumers described this experience.

Janet Hard of Freeland, MI, had accrued over \$8,000 in debt on her Discover card. Although she made payments on time and paid at least the minimum due for over 2 years, Discover increased her interest rate from 18 percent to 24 percent in 2006. At the same time, Discover applied the 24 percent rate retroactively to her existing credit card debt, increasing her minimum payments and increasing the amount that went to finance charges instead of the principal debt. The result was that, despite making steady payments totaling \$2,400 in 12 months and keeping her purchases to less than \$100 during that same year, Janet Hard's credit card debt went down by only \$350. Sky-high interest charges, inexplicably increased and unfairly applied, ate up most of her payments.

Millard Glasshof of Milwaukee, WI, a retired senior citizen on a fixed income, incurred a debt of about \$5,000 on his Chase credit card, closed the account, and faithfully paid down his debt with a regular monthly payment of \$119 for years. In December 2006,

Chase increased his interest rate from 15 percent to 17 percent, and in February 2007, hiked it again to 27 percent. Retroactive application of the 27 percent rate to Mr. Glasshof's existing debt meant that, out of his \$119 payment, about \$114 went to pay finance charges and only \$5 went to reducing his principal debt. Despite his making payments totaling \$1,300 over 12 months, Mr. Glasshof found that, due to high interest rates and excessive fees, his credit card debt did not go down at all. Later, after the Subcommittee asked about his account, Chase suddenly lowered the interest rate to 6 percent. That meant, over a one year period, Chase had applied four different interest rates to his closed credit card account: 15 percent, 17 percent, 27 percent, and 6 percent, which shows how arbitrary those rates are.

Then there is Bonnie Rushing of Naples, FL. For years, she had paid her Bank of America credit card on time, providing at least the minimum amount specified on her bills. Despite her record of on-time payments, in 2007, Bank of America nearly tripled her interest rate from 8 to 23 percent. The bank said that it took this sudden action because Ms. Rushing's FICO credit score had dropped. When we looked into why it had dropped, it was apparently because she had opened Macy's and J.Jill credit cards to get discounts on purchases. Despite paying both bills on time, the automated FICO system had lowered her credit rating, and Bank of America had followed suit by raising her interest rate by a factor of three. Ms. Rushing closed her account and complained to the Florida attorney general, my subcommittee, and her card sponsor, the American Automobile Association. Bank of America eventually restored the 8 percent rate on her closed account.

In addition to these three consumers who testified at the hearing, the subcommittee presented case histories for five other consumers who experienced substantial interest rate increases despite complying with their credit card agreements.

I would also like to note that, in each of these cases, the credit card issuer told our subcommittee that the cardholder had been given a chance to opt out of the increased interest rate by closing their account and paying off their debt at the prior rate. But each of these cardholders denied receiving an opt-out notice, and when several tried to close their account and pay their debt at the prior rate, they were told they had missed the opt-out deadline and had no choice but to pay the higher rate. Our subcommittee examined copies of the opt-out notices and found that some were filled with legal jargon, were hard to understand, and contained procedures that were hard to follow. When we asked the major credit card issuers what percentage of persons offered an opt-out actually took it, they told the Subcommittee that 90 percent did not opt out of the higher interest

rate—a percentage that is contrary to all logic and strong evidence that current opt-out procedures do not work.

The case histories presented at our hearings illustrate only a small portion of the abusive credit card practices going on today. Since early 2007, the subcommittee has received letters and e-mails from thousands of credit card cardholders describing unfair credit card practices and asking for help to stop them, more complaints than I have received in any investigation I have conducted in more than 25 years in Congress. The complaints stretch across all income levels, all ages, and all areas of the country.

The bottom line is that these abuses have gone on for too long. In fact, these practices have been around for so many years that they have, in many cases, become the industry norm, and our investigation has shown that many of the practices are too entrenched, too profitable, and too immune to consumer pressure for the companies to change them on their own.

Mr. President, in summary, this is what our bill contains:

No interest on debt paid on time.

The bill prohibits interest charges on any portion of credit card debt which the credit card holder paid on time during the grace period.

The bill prohibits credit card issuers from increasing interest rates on cardholders who are in good standing for reasons unrelated to the cardholder's behavior with respect to that card.

The bill requires increased interest rates to apply only to future debt and not to debt incurred prior to the increase.

The bill prohibits the charging of interest on credit card transaction fees, such as late fees and over-the-limit fees.

The bill prohibits the charging of repeated over-the-limit fees for a single instance of exceeding a credit card limit.

The bill requires payments to be applied first to the credit card balance with the highest rate of interest and to minimize finance charges.

The bill requires the credit card issuers must offer consumers the option of operating under a fixed credit card limit that cannot be exceeded.

The bill prohibits charging a fee to allow a credit card holder to make a payment on credit card debt, whether that payment is by mail, telephone, electronic transfer, or otherwise. Believe it or not, many credit card companies actually charge you a fee to make your payment.

The bill contains some of the following provisions as well:

It requires issuers to lower penalty rates that have been imposed on a cardholder after 6 months if the cardholder commits no further violations.

The bill gives each Federal banking agency the authority to prescribe regulations governing unfair or deceptive practices by banks and savings and loan institutions.

The bill requires issuers to provide individual consumer account information and disclose the total period of time and interest it will take to pay off the credit card balance if only minimum monthly payments are made.

And, as the Senator from Connecticut said, the bill contains a number of protections for young consumers from credit card solicitations.

Again, I commend Senator DODD for taking the leadership on this issue. As chairman of the Senate Banking Committee, his leadership will make a huge difference. It gives us a real chance of passing reform legislation relative to credit card abuses this session of the Congress.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public an addition to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, July 16, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Subcommittee will also consider H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; and S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 10, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 10, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 2008, at 9:30 a.m. to conduct a hearing entitled "The Roots of Violent Islamist Extremism and Efforts to Counter It."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Passport Files: Privacy Protection Needed For All Americans" on Thursday, July 10, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 10, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Thursday, July 10, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled "Environmental Protection Agency Oversight: Implementing the Renewable Fuel Standard."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Madam President, I ask unanimous consent that Lynda Simmons of my Finance Committee staff have privileges of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Fern Goodhart, a fellow in my office, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 11, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3:30 p.m. tomorrow, Friday, July 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the

time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, and the postcloture time count during any adjournment or recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should be prepared for two roll-call votes to begin at approximately 5:20 p.m. tomorrow, Friday, on the motion to disagree with respect to the housing legislation, to be followed by a vote on the motion to invoke cloture on the motion to proceed to S. 2731, the global AIDS legislation.

ADJOURNMENT UNTIL 3:30 P.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:35 p.m., adjourned until Friday, July 11, 2008, at 3:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ROBERT HASTINGS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DORRANCE SMITH.

BROADCASTING BOARD OF GOVERNORS

CLIFFORD D. MAY, OF MARYLAND, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE MARK MCKINNON.

NATIONAL COUNCIL ON THE HUMANITIES

JOYCE LEE MALCOLM, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE MARGUERITE SULLIVAN, TERM EXPIRED.

ROBERT L. PAQUETTE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE ELIZABETH FOX-GENOVESE, TERM EXPIRED.

POSTAL REGULATORY COMMISSION

RUTH Y. GOLDWAY, OF CALIFORNIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR THE TERM EXPIRING NOVEMBER 22, 2014. (REAPPOINTMENT)

THE JUDICIARY

CHRISTINE M. ARGUELLO, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE WALKER D. MILLER, RETIRED.

PHILIP A. BRIMMER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE LEWIS T. BABCOCK, RETIRED.

GREGORY E. GOLDBERG, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE PHILLIP S. FIGA, DECEASED.

WILLIAM FREDERIC JUNG, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE SUSAN C. BUCKLEW, RETIRING.

MARY STENSON SCRIVEN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE PATRICIA C. FAWSETT, RETIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

To be general

GEN. NORTON A. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DUNCAN J. MCNABB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. REMINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be lieutenant general

MAJ. GEN. JACK L. RIVES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARTER F. HAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD P. ZAHNER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE UNDER TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. BRUCE E. MACDONALD

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

To be rear admiral

REAR ADM. (LH) CHRISTOPHER C. COLVIN
REAR ADM. (LH) DAVID T. GLENN
REAR ADM. (LH) MARY E. LANDRY
REAR ADM. (LH) RONALD J. RABAGO
REAR ADM. (LH) PAUL F. ZUKUNFT

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

STEPHEN E. WEST

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

ELISA M. GARRITY

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10, 2008:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID H. PETRAEUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RAYMOND T. ODIERNO

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on July 10, 2008 withdrawing from further Senate consideration the following nomination:

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE FAYZA VERONIQUE BOULAD RODMAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.